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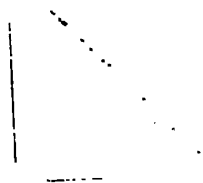














THE  
**Confederate Records**  
OF THE  
**STATE OF GEORGIA**

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COMPILED AND PUBLISHED UNDER AUTHORITY  
OF  
**THE LEGISLATURE**

BY  
**ALLEN D. CANDLER, A. M., L. L. D.**

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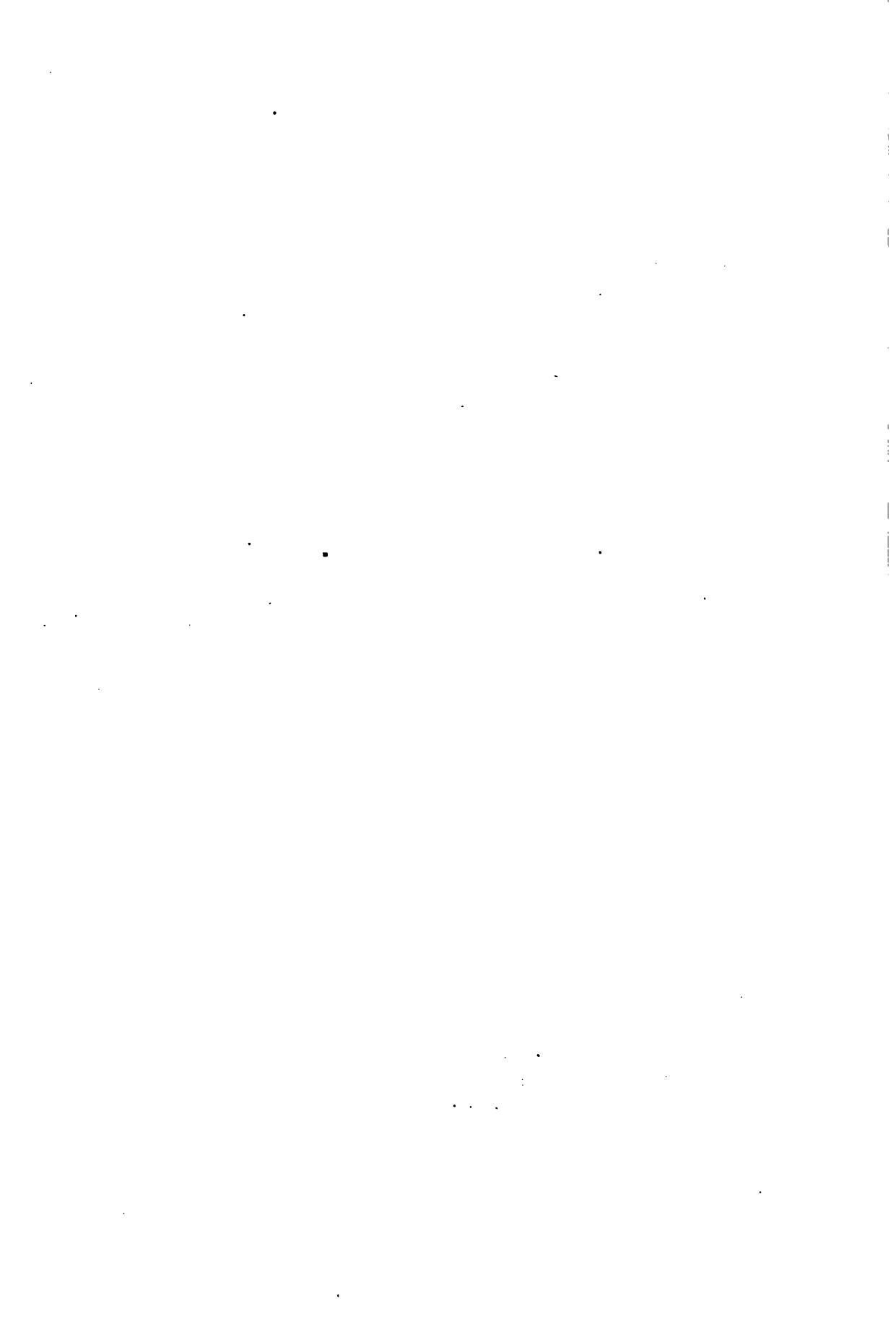
**VOLUME IV.**

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The Johnson Reconstruction.  
Provisional Governor James Johnson.  
Journal of the Convention of 1865.  
Governor Charles J. Jenkins.

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ATLANTA, GA.  
CHAS. P. BYRD, State Printer,  
1910.



## PREFATORY CHAPTER.

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Upon the surrender of the Confederate armies under Generals Lee and Joseph E. Johnston, the President, Andrew Johnson, following the precedent established by President Lincoln in Tennessee, Arkansas and Louisiana, proceeded to reconstruct the government of the State of Georgia. He first issued a proclamation appointing James Johnson, of Georgia, Provisional Governor, and in this proclamation he prescribed the duties of the Provisional Governor and gave him instructions as to how he should proceed. Provisional Governor Johnson, in accordance with these instructions, issued a proclamation ordering an election for delegates to a convention of the people of the State whose duty would be to revise the Constitution or adopt a new Constitution preparatory to the re-admission of the State into the Federal Union.

In the President's proclamation appointing Mr. Johnson he had prescribed the qualifications of voters in the election of these delegates. Provisional Governor Johnson faithfully carried out the instructions of the President, ordering an election at which delegates to the proposed convention were elected, and the convention adopted a Constitution which was approved by the President of the United States and ratified by the qualified voters of the State. Under the provisions of this Constitution an election was held for Governor and members of the Legislature. At this election Charles J. Jenkins, one of the

ablest and purest men in the State, was elected Governor. The Legislature met on the fourth day of December, 1865, and on the fourteenth day of that month Governor Jenkins was inaugurated and took the oath of office. Six days later Provisional Governor Johnson was relieved by the President and turned over the State government to Governor Jenkins. All State and county officers and Senators and Representatives in the United States Congress had been elected. The courts were all in operation and the machinery of the State government was moving as smoothly as before the State seceded from the Union and there was lacking nothing but the admission of Georgia's Senators and Representatives into Congress to completely restore the State to her former relation to the Federal government. But when Congress met on the first Monday in December, 1865, there were soon heard murmurs of dissatisfaction among Republican Senators and Representatives at the action of the President. They contended that the duty of prescribing terms on which the seceded State might be restored to the Union belonged, not to the President but to Congress, the law-making power. Notwithstanding President Johnson had been an ultra Republican during the progress of the war and had been appointed by President Lincoln Provisional Governor of Tennessee for the purpose of reconstructing that State, and had discharged the duty so well and satisfactorily to the President and the Republican party that they nominated and elected him Vice-President of the United States, Republican leaders in Congress seemed to distrust him because he was a Southern man and accused him of being in too close sympathy with the Southern people and waged an unrelenting war on him and his policy.

At the beginning of the struggle of the Southern States for independence, the dominant party at the national capital maintained that the ordinances of secession passed by the Southern States were nullities; that a State could not withdraw from the Union, and that such as had passed the ordinances were still States in the Union, in rebellion it is true, but still States. To this theory they adhered during the entire period of hostilities, but now they changed position and maintained that the States which they had heretofore claimed were still in the Union were not States at all, but conquered territory, and that the governments established in them by the President were only provisional and subject to the paramount authority of the military commanders placed over them. For many months an acrimonious debate was carried on in both Houses of Congress, in which it was claimed that the Southern people were still rebellious and defiant and that in many portions of the South a reign of terror existed, and that thousands of freed men were being murdered almost daily, and that nothing but the strong arm of the military branch of the government was sufficient to reduce them to subjection and restore order and tranquility. These were the reasons urged by party leaders, but perhaps the real reason for their earnest desire to ignore the precedent made by President Lincoln and followed by President Johnson was that they saw that every effort to Republicanize the South would be futile. They desired to reconstruct the State a second time and enfranchise the recently emancipated slaves, and thus recruit the ranks of the Republican party so as to give it more extensive lease of power in the administration of the government of the republic.

Finally, after many months of discussion and unre-



lenting warfare on the President and his policy and growing hostilities to the white people of the South, the debate culminated in the passage, on the second day of March, 1867, of what was popularly known as the Reconstruction Act, followed in a few weeks by two amendatory acts, dividing the Southern States into military districts over each of which an army officer not below the rank of Brigadier-General was to be appointed, and providing for the detail of army officers to be military governor of each State. Under these acts Major-General John Pope was appointed to command the Third Military District, in which Georgia was included, and Brevet-Brigadier-General Thos. H. Ruger was detailed to be military Governor of Georgia. The order appointing these officers provided for the holding of an election for delegates to a new Constitutional convention. In this order it was provided that a board of registrars should be appointed in each of the forty-four districts into which the State had been divided, usually composed of two white Republicans and one negro Republican. No one could register until he had been approved by this board of registrars, and no one could vote who had participated in the rebellion and had not been pardoned by the President. Thus all of the most prominent citizens of Georgia were deprived of the ballot unless they had received pardon from the President of the United States, but every illiterate freedman, none of whom had borne any part in the War between the States, was clothed with the elective franchise, and elections were held and delegates were chosen to the convention, not a tithe of whom were representative citizens of the State. It was composed almost entirely of carpet-baggers, scalawags and recently emancipated slaves, not one of whom realized the responsibility of citizenship. The convention adopted a Constitution and, in accord-

ance with its provisions, an election for Governor, a new Legislature and other State officers was provided for. The election was held, and a majority of those returned as elected were carpet-baggers, scalawags and negroes. But of the acts of this Legislature we will speak more at length in the preface to another volume. This volume has to do only with the action of the Federal government under what is known as the Johnson reconstruction.

DEPARTMENT OF STATE,

WASHINGTON, June 17, 1865.

SIR: I enclose a copy of the President's proclamation of this date appointing you Provisional Governor of the State of Georgia. The reasons for the appointment are fully set forth in the preamble of the instrument. You will hold the office during the pleasure of the President. Your compensation will be at the rate of three thousand dollars a year from this date. For this you may draw monthly or quarterly, sending your drafts to this department.

WILLIAM H. SEWARD.

JAMES JOHNSON, Esq.

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*By the President of the United States of America.*

#### A PROCLAMATION.

Whereas the fourth Section of the fourth Article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a Republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the Constitution, made commander-in-chief of the army and

navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Georgia of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Georgia, in securing them in the enjoyment of a Republican form of government;

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State government, whereby justice may be established, domestic tranquility insured, and loyal citizens protected in all their rights of life, liberty and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint James Johnson Provisional Governor of the State of Georgia, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof; and with authority to exercise, within the limits of said State, all the powers necessary and

proper to enable such loyal people of the State of Georgia to restore said State to its Constitutional relations to the Federal government, and to present such a Republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; provided, that in any election that may be hereafter held for choosing delegates to any State convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's proclamation of May 29, A. D., 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of Georgia in force immediately before the 19th day of January, A. D., 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the Legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the Constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the government to the present time.

And I do hereby direct—

*First*, That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said Provisional Governor in carrying into effect this proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

*Second,* That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

*Third,* That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

*Fourth,* That the Postmaster-General proceed to establish post offices and post routes, and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

*Fifth,* That the district judge for the judicial district in which Georgia is included proceed to hold courts within said State, in accordance with the provisions of the Act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

*Sixth,* That the Secretary of the Navy take possession

of all public property belonging to the Navy Department within said geographical limits, and put in operation all Acts of Congress in relation to naval affairs having application to the said State.

*Seventh*, That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventeenth day of June, in the year of our Lord  
(SEAL) one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President,

WILLIAM H. SEWARD, Secretary of State.

#### AMNESTY OATH.

"I, -----, do solemnly swear, (or affirm), in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves; so help me God."

(From State Archives.)

PROVISIONAL GOVERNMENT OF GEORGIA.

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THURSDAY, July 13th, 1865.

His Excellency, James Johnson, of Muscogee County, Georgia, having been appointed Provisional Governor of the State of Georgia by proclamation of Andrew Johnson, President of the United States, bearing date the 17th day of June A. D., 1865, this day assumed the duties of his office with headquarters at the capitol at Milledgeville.

EXECUTIVE DEPARTMENT,

July 13th, 1865.

Ordered: That L. H. Briscoe, Esq., of Milledgeville, Geo., be, and he is hereby, appointed Secretary to the Governor, with duties from this date.

PROCLAMATION.

*To the People of Georgia:* Whereas by the proclamation of Andrew Johnson, President of the United States, dated 17th of June, A. D., 1865, I have been appointed Provisional Governor of the State of Georgia, with instructions to prescribe, at the earliest period, such rules and regulations as may be necessary and proper for convening a convention of the people, composed of delegates to be chosen by that portion of the people who are loyal to the United States, and no others; and also



with all the powers necessary and proper to enable such loyal people of said State to restore it to its Constitutional relations to the Federal government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to the protection of the United States against invasion, insurrection and domestic violence.

Now, therefore, I, James Johnson, Provisional Governor of the State of Georgia, as aforesaid, do, by virtue of the power in me vested as aforesaid, proclaim and declare:

*First*, That an election for delegates to a convention will be held on the first Wednesday in October A. D., 1865, at the different precincts at which elections are directed and authorized by law to be held for members of the legislature.

*Second*, That the thirty-seven counties in the State which by law in force prior to the first of January, 1861, were entitled to two members of the House of Representatives shall be authorized and entitled to elect each three delegates, and that the remaining counties shall each be authorized and entitled to elect each two delegates to said convention.

*Third*, That no person at such election shall be qualified as an elector or shall be eligible as a member of such convention, unless he shall have previously thereto taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29th, A. D., 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of Georgia in force immediately before

the 19th of January, A. D., 1861, the date of the so-called Ordinance of Secession.

*Fourth*, That any two freeholders qualified to vote at such election as aforesaid, may act as managers of the election at each of the precincts as aforesaid; and that in managing and superintending such election they shall be governed by and proceed under the laws of the State regulating and prescribing the election of members of the legislature prior to the first of January, 1861; *Provided*, That each of said managers, before entering on the duties prescribed, shall swear the other truly and faithfully to superintend and make return of said election according to law as aforesaid, and the requirements of this proclamation.

*Fifth*, That the delegates who shall be elected as aforesaid, shall assemble in convention at the city of Milledgeville at 12 o'clock, meridian, on the fourth Wednesday of October, A. D., 1865.

*And Whereas*, The rebellion which has been waged by a portion of the people against the government of the United States has, in its revolutionary progress deprived the people of the State of all civil government; *and whereas*, They must remain without civil officers and the administration of civil law until a State government shall have been organized by the convention called as aforesaid; *and whereas*, It is necessary in the meantime that domestic tranquility be ensured and that the loyal people be protected in all their rights of person and of property, I do further proclaim and declare:

*First*, That no individual, by virtue of his own authority, shall inflict corporal punishment on any person for any real or supposed injury, whether such injury relate

to person or property; and that in all such cases redress must be sought from and given by such military authority as may be invested with jurisdiction over the cases.

*Second,* That slavery is extinct, and involuntary servitude no longer exists. Hence, no person shall have control of the labor of another other than such control as may lawfully result from indenture, the relation of parent and child, guardian and ward, and the contract of hiring, freely and fairly made; and that for a breach of duty on the part of any one standing in these relations, the military authority will administer, in a summary manner, adequate and proper relief under the laws of the land.

*Third,* That all riotous or tumultuous assemblages of the people, and also all assemblages for unlawful purposes and unlawful objects will be dispersed; and to this end, if necessary, the military authority of the United States will be invoked.

*Fourth,* That all idea, if any such is entertained, that private property will be distributed and parceled out is not only delusive, but dangerous and mischievous, and if any attempt should be made by any person or persons to effect such an object by violence or other unlawful means, it will only secure to him or them speedy and merited punishment.

*Fifth,* To the end that the people may qualify themselves as voters, it will doubtless be the pleasure of the commissioned officers in the service of the United States to have the oath of amnesty administered under the rules and regulations prescribed by the Secretary of State of the United States; and in this work I most earnestly desire and solicit the cheerful co-operation of the people,

so that Georgia may be speedily delivered of military rule; that she may once again regulate her own domestic affairs, once again enjoy the blessings of civil government, and be heard and felt by her Senators and Representatives in the councils of the nation.

Done at Milledgeville, the capital of the State,  
on this the thirteenth day of July in the year of  
our Lord 1865, and the eighty-ninth year of Amer-  
ican Independence.

JAS. JOHNSON,

Provisional Governor of Georgia.

By the Governor:

L. H. BRISCOE, Secretary.

EXECUTIVE OFFICE, P. G.,

July 13th, 1865.

Ordered, That a commission in usual form do issue from this office appointing Thomas Sadler of the State and City of New York, Commissioner of Deeds for the State of Georgia.

By the Governor:

L. H. BRISCOE,

Secretary.

MONDAY, AUGUST 7th, 1865.

EXECUTIVE OFFICE,

MILLEDGEVILLE, August 7, 1865.

Ordered, That Jeff Brown, Esq., of the City of Louisville, Kentucky, be, and he is hereby, appointed a Commissioner of Deeds in the State of Kentucky for the State of Georgia, with all the privileges and powers incident by law to his office, and that a commission in usual form issue to him accordingly from this office.

By the Governor:

L. H. BRISCOE,

Secretary.

EXECUTIVE OFFICE,

MILLEDGEVILLE, August 7, 1865.

Ordered, That Simeon W. King, Esq., of Chicago, be, and is hereby appointed a Commissioner of Deeds in the State of Illinois for the State of Georgia, with all the powers and privileges incident to his appointment; and that a commission from this office do issue to him accordingly.

By the Governor:

L. H. BRISCOE,

Secretary.

## A PROCLAMATION.

*To the People of Georgia:* For the purpose of enabling the people of Georgia more readily to prepare themselves for the exercise of the rights of citizens, I hereby proclaim and direct that the Ordinaries of the several counties of the State be, and are hereby, authorized to administer the oath of amnesty set out in the President's proclamation of the 29th of May, 1865, to such persons as shall be entitled to take and receive the same; and in case of a vacancy in the office of Ordinary in any county or counties of this State, then, and in that case, the Clerk of the Superior Court of such county shall administer said oath; *Provided*, Said officers themselves shall have previously taken said oath.

It is further declared and directed that when the oath is administered as aforesaid, to any person within any of the exceptions specified in said proclamation, it shall be appended to the petition of the applicant—which petition shall also be verified before such Ordinary or Clerk by the oath of the party; and when administered to any person not embraced within any of the exceptions specified, the original oath, taken and subscribed, shall be sent by the officer administering the same to the Secretary of State of the United States, and a certified copy shall be given to the applicant.

And it is further proclaimed and declared, that all the civil officers of this State who have taken and subscribed the oath prescribed in the proclamation aforesaid, if not embraced within any of the exceptions, or who may have received special amnesty if embraced, shall proceed thereafter in the discharge of the duties of their several offices according to the laws in existence

prior to the 1st of January, 1861, so far as the same are not inconsistent with our present condition.

To facilitate the people in obtaining the amnesty proffered, the Ordinaries or Clerks (as the case may be), are authorized to procure printed blanks from either one of the following presses most convenient, as the same may be needed, for which payment will be provided on bills presented at this office, viz.: Savannah Republican, Augusta Chronicle & Sentinel, Southern Watchman, Atlanta Intelligencer, Rome Courier, Macon Telegraph, Southern Recorder and Columbus Enquirer.

Done at Milledgeville, the capital of the State, on this the 7th day of August, in the year of our Lord 1865, and the eighty-ninth year of American Independence.

JAS. JOHNSON,

Provisional Governor of Georgia.

By the Governor:

L. H. BRISCOE,

Secretary.

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FRIDAY, AUGUST 11th, 1865.

The following communication was this day addressed by His Excellency, the Governor, to the Postmaster-General:

EXECUTIVE OFFICE,

PROVISIONAL GOV'T OF GEORGIA,

August 11th, 1865.

SIR: Pursuant to your suggestion contained in your

letter of the 14th ult., just received, "that you will be prepared to put the mails upon the railroads in Georgia as soon as I shall certify to you what roads are in a condition to convey them, and are in charge of reliable and proper persons," I hereby [certify] that condition of facts exists as to the following roads, viz.:

Macon to Columbus,  
Macon to Atlanta,  
Fort Valley to Albany,  
Milledgeville to Gordon,  
Milledgeville to Eatonton,  
Augusta to Atlanta,  
Camak to Warrenton,  
Double Wells to Washington,  
Union Point to Athens,  
Atlanta to West Point,  
Atlanta to Chattanooga,  
Kingston to Rome.

Respectfully, your obedient servant,

JAS. JOHNSON,

Provisional Governor of Georgia.

Hon. Postmaster-General,

Washington, D. C.



SATURDAY, AUGUST 12th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T OF GEORGIA,  
MILLEDGEVILLE, August 12, 1865.

*Whereas*, The Honorable O. A. Lochrane has tendered, through this office to the people of the Macon Judicial District, his resignation as Judge of the Superior Court of the same, Carlton B. Cole, Esq., of the county of Bibb is hereby appointed to fill the vacancy created as above; and it is hereby ordered that a Commission in usual form do issue from this office accordingly.

By the Governor:

L. H. BRISCOE,  
Secretary.

Ordered, That Philip A. Hoyne, Esq., of Chicago, be, and he is hereby appointed a Commissioner of Deeds in the State of Illinois for the State of Georgia, and that a commission do issue accordingly from this office.

By the Governor:

L. H. BRISCOE,  
Secretary.

MONDAY, AUGUST 14th, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T OF GEORGIA,

MILLEDGEVILLE, August 14, 1865.

It appearing that R. T. Hall, Ordinary of Jones County, is perhaps disqualified from administering the oath of amnesty prescribed in the President's proclamation of May 29th, 1865, in consequence of having himself been a domestic agent of the Confederate States, and therefore in one of the excepted classes: It is ordred, That Frank Walker, Clerk of the Superior Court of said County of Jones, be, and is hereby appointed and fully authorized to administer oaths in all cases in which the Ordinary, (if not disqualified) could have acted, pursuant to executive proclamation from this office of 7th August, 1865, provided said Clerk shall himself have first complied with the terms and conditions in my said proclamation named.

By the Governor: (Under Seal.)

L. H. BRISCOE,

Secretary.

TUESDAY, AUGUST 15th, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T OF GEORGIA,

MILLEDGEVILLE, August 15, 1865.

It appearing that L. Pitts, Ordinary of the County of Troup, is disqualified from administering the oath of amnesty prescribed by the President's proclamation of May 29, 1865, as he is embraced in one of the classes of excepted cases: It is ordered, that John F. Antrey, Clerk of the Superior Court of the County of Troup, be, and he is hereby, appointed and fully authorized to administer said amnesty oath, and such other oaths connected with procuring amnesty as the Ordinary (if not disqualified) would have been authorized to do by reason and virtue of my proclamation issued 7th day of August, 1865. *Provided*, said Clerk shall himself have first complied with the terms and requisitions in my said proclamation set forth.

By the Governor:

(Under Seal) L. H. BRISCOE,

Secretary.

TUESDAY, AUGUST 15th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 15, 1865.

It appearing from properly authenticated evidence, that George B. Stovall was, on the 12th day of April last, duly elected by the people of Morgan County Ordinary of said County, to fill the unexpired term of F. W. Arnold, deceased, *It is Ordered*, That a Commission, in terms of the law, do issue to him as Ordinary aforesaid.

By the Governor:

L. H. BRISCOE, Secretary.

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WEDNESDAY, AUGUST 16th, 1865.

The following letter from His Excellency, the Provisional Governor, to Hugh McCullough, Secretary of the Treasury, was this day forwarded:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 16, 1865.

HON. HUGH McCULLOUGH,

Secretary of Treasury, U. S.

DEAR SIR: I desire to notify your department that a certain number of bales of cotton captured by General Sherman in Savannah may be claimed by the State of

Georgia as belonging to her. The material facts of the case, as I am informed, are, on the approach of General Sherman to Savannah, the agent of the State sold the cotton to Mr. Brigham and others on certain terms. Gov. Brown, on receiving notice from the agent, refused to ratify the sale, but this was not communicated to the agent until after capture. I will communicate further particulars on receipt of information. In the mean time, I hope the claim of the State will not suffer prejudice.

Yours truly,

J. JOHNSON,  
Prov. Gov. of Ga.

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THURSDAY, AUGUST 17th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 17, 1865.

It appearing that William D. Bentley, Ordinary of the County of Forsyth, is disqualified from administering the oath of amnesty prescribed in the President's proclamation of May 29, 1865, he being within one of the excepted classes, *It is Ordered*, That the Clerk of the Inferior Court of said County of Forsyth be, and he is hereby, authorized and empowered to administer said amnesty oath, and to do all other acts connected therewith as fully as the Ordinary of said County (if not disqualified) would have been allowed to do by virtue of my proclamation of the 7th day of August, 1865; *provided*, said Clerk shall himself have complied in the first

place with the terms and conditions of my aforesaid proclamation.

By the Governor:

(Under Seal) L. H. BRISCOE,  
Secretary.

*Ordered*, That Charles H J. Collis, Esq., of Philadelphia, be, and is hereby appointed a Commissioner of Deeds in the State of Pennsylvania for the State of Georgia, with all the powers and duties incident thereto, and that commission do issue from this office accordingly.

By the Governor:

L. H. BRISCOE, Secretary.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 17, 1865.

Pursuant to elections held in the County of Pickens for Justices of the Peace, the returns of which have been received at this office, commissions were this day issued to the following parties elected:

James Eaton	-----	794 District.
Moses S. Phaw	-----	794 District.
Stephen Griffith	-----	1099 District.
Jackson Lansdown	----	1099 District.
Robert B. Dearing	-----	1036 District.
R. G. Allen	-----	1036 District.
Stephen Richards	-----	899 District.

W. F. Cantrell ----- 899 District.  
Wm. Martin ----- 1182 District.  
Martin V. Coffey ----- 1182 District.  
William Murphy ----- 1101 District.  
Joseph D. Neal ----- 1101 District.  
Abraham Crow ----- 1129 District.  
Wm. Whitfield ----- 1129 District.

By the Governor :

L. H. BRISCOE, Secretary.

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SATURDAY, AUGUST 19, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 19, 1865.

It being made to appear at this office that the Ordinary of Heard County is disqualified from administering the oath of amnesty as prescribed by the President's proclamation of May 29, 1865, he falling within one of the classes of excepted cases therein specified, which condition is the same as to the person who holds within himself the offices of Clerk of the Superior and Inferior Courts: *It is Ordered*, That W. H. C. Pace, Edward Phaw and Mordecai Shackelford, Justices of the Inferior Court of said County of Heard, or any one of them, is hereby fully authorized and empowered to administer said oath, and all other oaths necessary to perfect the papers of applicants for special pardon, as fully as the Ordinary himself

[would] have done by reason of my proclamation of the 7th of August, 1865; *provided*, said Justices are themselves qualified by compliance with the terms and conditions of my said proclamation.

By the Governor:

(Under Seal) L. H. BRISCOE,  
Secretary.

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WEDNESDAY, AUGUST 30th, 1865.

The following communication was this day received at this office from Major-General Thomas, commanding Military Division of Tennessee, touching transfer to the State authorities of the Western & Atlantic or State Railroad:

HEADQUARTERS MILITARY DIVISION OF TENNESSEE,  
NASHVILLE, TENN., August 19th, 1865.

HON. JAMES JOHNSON,

Provisional Governor State of Georgia,  
Milledgeville, Ga.

SIR: I have the honor, by direction of Major-General Thomas, to enclose for your information an official copy of the orders from the War Department with reference to the turning of the railroads in this Military District over to the companies formerly owning and operating them.

I am instructed by Major-General Thomas to say



further, that if you will appoint a Board of Directors for the Georgia State Road, running from Chattanooga, Tenn., to Atlanta, Ga., whom you can recommend as being true and loyal men, and which Board, in accordance with the provisions of the first paragraph of said order, he can conscientiously approve of and accept, he will turn over said Georgia Railroad to you upon the same terms precisely as the other railroads running within his command are turned over to other companies.

The Major-General commanding would be pleased to hear your views on this subject at as early a day as may be practicable.

I am, sir, very respectfully,

Your obedient servant,

ROBERT H. RAMSEY,

Brt. Col. and Asst. Adj.-Gen'l.

The terms and conditions of transfer referred to in above communication were this day placed of file in this office.

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THURSDAY, AUGUST 31st, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GEORGIA,

MILLEDGEVILLE, August 31, 1865.

The following telegraphic dispatch was this day forwarded by His Excellency, the Governor, to Macon, Ga.,

to be transmitted to Major-General G. H. Thomas at  
Nashville, Tenn.:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, August 31, 1865.

MAJOR-GEN'L. G. H. THOMAS,  
Nashville, Tenn.

DEAR SIR: I accept the road on the terms proposed,  
and will proceed forthwith to appoint a Board of Direct-  
ors. I will further advise you in a few days from  
Atlanta.

J. JOHNSON,  
Prov. Gov. of Ga.

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SATURDAY, SEPTEMBER 2, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
MILLEDGEVILLE, September 2, 1865.

Pursuant to returns of an election for Justice of the  
Peace for the 320th District, Baldwin County, G. M., to  
supply the vacancy of Robert J. Micklejohn, late de-  
ceased, *Ordered*, That a commission do issue to Peter  
Fair to fill said vacancy, he being the party elect.

By the Governor:

L. H. BRISCOE, Secretary.

By virtue, and in pursuance of the appointment by the Justices of the Inferior Court of Putnam County of M. Graybill as Sheriff to fill the unexpired term of Griffin, resigned, *Ordered*, That a commission do issue from this office accordingly.

By the Governor:

L. H. BRISCOE, Secretary.

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SATURDAY, SEPTEMBER 9, 1865.

EXECUTIVE OFFICE,

September 9, 1865.

In pursuance of the terms proposed by Major-General G. H. Thomas, it is hereby ordered and directed that Richard Peters, of Atlanta, Robert M. Goodman, of Marietta, J. B. Parrot, of Cartersville, Robert Batey, of Dalton, and William L. Whitman, of Ringgold, be, and are hereby appointed directors of the Western & Atlantic Railroad, with full power and authority to accept and receive the same from the military authorities of the United States upon the terms and conditions proposed by the Secretary of War.

Given under my hand and Seal of the Executive Department, the day and year aforesaid.

J. JOHNSON,

Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GEORGIA,  
September 9, 1865.

It is hereby ordered and directed, That Miles G. Dobbins, of Spalding County, be, and is hereby, appointed Treasurer of the Western & Atlantic Railroad, upon his giving bond and taking the oath required by law.

Given under my hand and Seal of office, the day and year above [written].

J. JOHNSON,  
Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, September 9, 1865.

It is hereby ordered and directed, That Robert Baugh, of Atlanta, Georgia, be, and is hereby, appointed Superintendent of the Western and Atlantic Railroad upon giving bond and taking the oath required by law.

JAS. JOHNSON,  
Provisional Gov. of Ga.

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MONDAY, SEPTEMBER 11, 1865.

*Ordered,* That the Hon. William M. Sessions be, and is hereby, appointed Judge of the Superior Courts of the

Brunswick Judicial Circuit to fill the unexpired term of Hon. A. E. Cochrane, deceased, and that a commission do issue from this office accordingly.

By the Governor:

L. H. BRISCOE, Secretary.

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SATURDAY, SEPTEMBER 16, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

September 16, 1865.

It is hereby requested of the officers of the State House Department, that each of them report to me the condition of his office on or before the 15th of October next, and that each be furnished with a copy of this request.

By the Governor:

L. H. BRISCOE, Secretary.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, September 16, 1865.

Major-General Geo. H. Thomas having objected to Robert Batey, of Dalton, Ga., as a director of the Western & Atlantic Railroad, it is hereby ordered and directed

that Randolph L. Mott, of Columbus, Ga., be, and is hereby, appointed Director of said road in the place of said Batey.

J. JOHNSON,  
Prov. Gov. of Ga.

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TUESDAY, OCTOBER 10th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
October 10th, 1865.

*It is ordered*, That Daniel A. Johnson, of Spalding County, be, and is hereby, appointed Auditor on the Western & Atlantic Railroad, and that he enter upon the duties of said office upon taking the oath and giving bond as required by law.

Given under my hand and Seal of the Executive Department, the day and year aforesaid.

JAS. JOHNSON,  
Prov. Gov. of Ga.

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THURSDAY, OCTOBER 12, 1865.

*Ordered*, That the several persons hereinafter named be, and are hereby, appointed Commissioners of Deeds for the State of Georgia in the several States and cities

in which they respectfully reside, with full power and authority to act in all such matters as by the laws in force they are authorized to do, by reason of their official capacity aforesaid; and that commissions in usual form issue to each, to remain in force during good behavior, or until vacated by competent authority, viz.:

Francis C. Bless, New York, N. Y.

Asa W. Parker, New York and Brooklyn, N. Y.

William Phillips, New York, N. Y.

Joseph B. Nones, New York, N. Y.

David Barnett, New York, N. Y.

J. W. Westcott, Memphis, Tenn.

N. R. Wilson, Louisville, Kentucky.

By the Governor:

L. H. BRISCOE, Secretary.

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SATURDAY, OCTOBER 21, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, October 21, 1865.

TO THE PRINCIPAL KEEPER OF THE PENITENTIARY:

*Whereas*, James Campbell, a convict in the penitentiary of this State, was sentenced to hard labor and confinement in the same, in Chatham Superior Court, for the term of six years for the offense of robbery; *and whereas*, he is reported to have conducted himself during his im-

prisonment in an orderly and satisfactory manner; and it further appearing that allowing the deduction in time authorized by law on account of good behavior, he has but a short time to remain,

*It is ordered*, That, to the end of his restoration to civil rights, he be, and is hereby, pardoned, and will at once be discharged and set at liberty.

Given under my hand and Seal of the Executive Department, at the Capitol in Milledgeville, the day and year aforesaid.

JAS. JOHNSON,  
Prov. Gov. of Ga.

By the Governor:

L. H. BRISCOE, Secretary.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, October 21, 1865.

TO THE HONORABLE JUSTICES OF THE INFERIOR COURT OF  
CHATTOOGA COUNTY:

*Whereas*, In the recent election held in said County for delegates to a convention to assemble at Milledgeville on the 25th instant, pursuant to a proclamation of myself as Provisional Governor of the State, a tie has occurred between Wesley Shropshire and Samuel McWhorter, thereby creating a vacancy in the representation of said county; you are therefore hereby authorized and directed to order a new election to fill said vacancy,



first giving twenty days previous notice of the time of holding the same, as required by law.

Given under my hand and Seal of the Executive Department, at the Capitol in Milledgeville, the day and year aforesaid.

JAS. JOHNSON,

Prov. Gov. of Ga.

By the Governor:

L. H. BRISCOE, Secretary.

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WEDNESDAY, OCTOBER 25th, 1865.

The following message from His Excellency, James Johnson, Provisional Governor of the State of Georgia, was this day communicated to the convention, to-wit:

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, October 25th, 1865.

*Gentlemen of the Convention:*

The circumstances under which you have assembled make it proper, in my judgment, that you should have set before you a summary of the financial condition of the State, that you may be the better prepared to give appropriate directions to executive officers touching the discharge of important duties necessary to be performed before the Legislature will assemble. Upon entering on the duties of my office, I ascertained, from a source

deemed reliable, that the cotton which had been previously purchased by the State had either been captured or consumed by fire, and that all the assets the State held abroad had been drawn against to the full extent of their value.

The Western & Atlantic Railroad, yielding us no income, and the stock belonging to the State in banks and other railroads were entirely unavailable.

Our charitable institutions, the Academy for the Blind at the City of Macon, and the Lunatic Asylum at this place, were without funds, and are now compelled to resort to such credit as they may obtain to procure supplies necessary for the maintenance of their unfortunate inmates. The Penitentiary, with its shops and machinery, has been nearly destroyed—to such an extent as to render it wholly inadequate to accomplish the purpose designed—and nearly all the convicts have either escaped or been discharged.

It will be necessary, therefore, to make some provisions to carry into effect the judgments of the courts against certain criminals for offences committed in violation of existing laws, or which may be committed, until new laws shall be made prescribing new penalties and other modes of inflicting punishment for crime.

During the progress of the war, the Western & Atlantic Railroad was alternately destroyed and rebuilt by the contending armies, until by the operations of last spring it finally fell into the possession of the military authorities of the United States. By them it was temporarily repaired and put in running order and by them retained until about the 25th of last month, when it was turned over to the State, upon certain terms and condi-

tions proposed by the United States. Most of the depots on the road and the work-shops on it are to be repaired or rebuilt; many cross-ties to be furnished, and much of the iron to be relaid. The bridges over the streams were found to be frail and liable to be swept off by the first heavy freshet. Such being the case, the Superintendent and Directors did not hesitate, with my approval, to enter into contracts for the immediate construction of permanent and substantial bridges. They are fourteen in number, and by the terms of the contracts are to be completed by the 15th of December next. The rolling stock on the road being insufficient, the Superintendent and Directors purchased of the U. S. nine engines, and about one hundred cars. This outlay cannot be met by the proceeds of the road, but will require, it is estimated, more than a half million of dollars.

I have caused some repairs to be put upon the State House and the Executive Mansion. These will require further appropriations to replenish and put them in proper order. Having no available assets with which to pay the mileage of the members of the convention or their per diem, I borrowed, on the faith of the State, from citizens of Augusta, about the sum of fifty thousand dollars to be used by the convention for that purpose. Special contracts have been made with the citizens lending the money, to which contracts I invite your attention, and respectfully ask that they be approved and that provisions be made to meet them promptly.

Since our last election for members of the congress of the United States, a new apportionment of Representatives has been made under the census returns of 1860; and by the apportionment the number allotted to the State of Georgia is reduced to seven. It being de-

sirable that Representatives should be elected at as early a day as practicable, it will be proper that the convention shall, by resolution or otherwise, divide the State into the requisite number of districts and order that the election for members to Congress be held on the same day as that on which the Governor and members of the General Assembly may be directed to be holden.

The changes which the war and its results have made in our property, population and resources, suggest that some corresponding changes or modifications be made in the organic law fixing the basis and the mode of representation in each branch of the General Assembly. To approximate perfect justice on this subject is, under the most favorable circumstances almost impossible, but with us, at present, it is still more difficult because of the want of accurate statistical information. For the purpose of aiding you in performing this delicate task, I have procured for the use of the convention "Vol. Population" of the census of 1860, and which will be furnished when desired.

Within the past few years, we have made several experiments on our judicial system. These experiments, I think, have demonstrated that the Judges should be independent of the Executive; and that sound policy and the wholesome administration of law require that the Governor be deprived of the appointment of all judicial functionaries. The administration of justice will, under the new condition of society, require that the organic law be so made as to allow the legislature to establish inferior tribunals in each county with jurisdiction over certain classes of civil and criminal causes. The sessions of such courts should be frequent, so as to dispatch business without delay, and should be held subject to legisla-

tion, from time to time, as the public exigencies might require.

In this connection, I cannot forbear earnestly recommending to your deliberate consideration, the propriety of ordaining that the Supreme Court shall hold its sessions at one place, and that one place shall be the seat of government for the State. The advantages resulting from it will be many and great. It will better secure the convenience of suitors, and approximate more nearly in distributing justice at each man's door. It will add consequence to our Capitol, give more dignity to the court, and more authority to their decisions.

The public debt of the State, as reported by the Comptroller, amounts to about 20,813,525 dollars. Of this sum 2,667,750 dollars were contracted prior to the commencement of the war; the balance, about 18,135,775 dollars, during its existence. On the amount incurred previous to hostilities, there is now due and unpaid about the sum of 234,000 dollars.

The liabilities incurred before the war is, in every sense a debt, and the State is bound, by every consideration of good faith and public morality, so to regard it, and make provision for the prompt and faithful discharge of such liability. No reasonable doubt can be entertained that such will be her pleasure and her action. But the debt created during the war stands on a very different basis. It is of no legal or moral obligation, because it was created to aid in the prosecution of a war of rebellion against the United States. The purpose sought to be accomplished was unconstitutional, and all who participated in anywise in the effort to sever the country were violators of law, and can therefore set up no claim, either legal or equitable, for money advanced or for services

rendered. Furthermore, these contracts from which a liability is said to result were made with Georgia in revolt—with Georgia as a member of the 'Confederate States' government. The government to which she then belonged has been overthrown, and with its overthrow all Confederate debts became extinct. Georgia as a component part of it no longer exists, and her debts then incurred have in like manner been extinguished. She is no longer in revolt. She is one of the States of the Federal Union, and in her return to reconciliation her allegiance to the government requires that the act of secession be cancelled, and all other acts done and performed in aid of the rebellion be declared void and of none effect. The ultimate redemption of the currency, both State and Confederate, was made dependent in fact and in terms upon the result of the fatal struggle. No one expected payment if finally defeated in our efforts to secure independence, and, therefore, no plighted faith is violated by a refusal on the part of Georgia to assume to pay an indebtedness dependent on the issue. The currency and the cause flourished together while in life, and now that the cause has no longer a being, the currency that sustained it may well be interred in the same grave.

To call a refusal on the part of the State to acknowledge or pay these extinct demands repudiation is but a perversion of the use of language, and presents an appearance of an attempt to sustain and uphold a desperate cause by a resort to odious words and opprobrious epithets. Our burdens are already great, and our strength greatly diminished. The assumption of such a debt will still add to our weakness, impair our credit, increase our taxes, deter immigration, prevent capital from seeking

an investment among us, and will embarrass us in a variety of ways for years to come.

To transfer this great question to the legislature will be considered as a *quasi* endorsement of its justice. The legislature will have its own peculiar burdens to bear, and will be pressed with business beyond that of any one that has assembled in our day. It will be charged with framing and passing tax laws, police laws, penal laws, laws relating to contracts and to all the manifold relations of life. Such subjects will be sufficient to consume the time and talents of the most able and industrious of men, and the public welfare will demand that to these subjects the members of the legislature shall give their earnest, best and undivided efforts. Let not that body, when in session, be besieged from day to day by claimants and their agents and attorneys urging the assumption, in whole or in part, of these unconstitutional demands. Let the hope of reward in such efforts be entirely cut off; let this overflowing fountain of corruption be now and forever dried up; and let the record of your action on this subject discourage in the future all premature efforts to overthrow long and well established government. In a word, ordain solemnly and deliberately that no legislature now or hereafter shall, directly or indirectly, in whole or in part, assume to pay, in any manner, these demands, unconstitutional in their creation, and many of them without even the countenance of equity to support them.

The events of this year will constitute an era in history. Slavery has been abolished in these States. Georgia, in convention, is called upon to put on record an acknowledgement of the accomplished fact to give assurance to mankind that involuntary servitude shall not

hereafter, in any form, or by virtue of any device, exist within her borders; to enjoin our succeeding legislators that they shall guard by law, the community from the evils of sudden emancipation; shall secure those emerging from bondage in the enjoyment of their *legal* rights, and shall protect the humble, the ignorant and the weak from wrong and aggression. Such are some of the unforeseen and wonderful results of war. In passing through this revolution our chastisements have been severe, and our calamities have been heavy, but we should do well to remember that this great change is of *Him* who does all things wisely, and "according to the counsels of His will."

JAMES JOHNSON,

Prov. Gov. of Ga.

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WEDNESDAY, OCTOBER 25th, 1865.

The following communication was this day received at this office from Brigadier-General Davis Tillson, touching the appointment of civil officers as agents of the Freedmans' Bureau, to-wit:



BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS.

OFFICE ACTING ASSISTANT COMMISSIONER,

STATE OF GEORGIA,

AUGUSTA, GA., October 25th, 1865.

*His Excellency* JAMES JOHNSON,

Provisional Governor State of Georgia,

Milledgeville.

I have the honor to state that it will probably be found impossible to obtain a sufficient number of officers from the army to organize this Bureau and distribute them throughout the State in such a manner as to prevent loss of time and vexatious delay in the transaction of business.

Under these circumstances, I have the honor to request that you will instruct such of the Justices of the Peace and Ordinaries of counties as may be designated from this office to act within the limits of their jurisdiction as agents of the Bureau, thereby enabling the people to adjust their difficulties and maintain the police of the country through the convenient channels to which they have been accustomed.

I beg to state frankly, that in my selection I should be guided wholly by questions of competency and fitness.

Such of these officers as may be willing to act conscientiously and to do simple justice without reference to condition or color, will be deemed eligible for the position.

The administration of justice through unusual channels necessarily occasions dissatisfaction. Should my

request be granted, there is reason to hope that much of the present irritation on the subject would be allayed and removed.

I am, very respectfully,

Your Excellency's Obt. Servant,

DAVIS TILLSON,

Brig.-General Volunteers and Act. As. Comr. Bureau  
R. F. & A. L., State of Georgia.

The following message was transmitted to the convention, to-wit:

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, October 25th, 1865.

GENTLEMEN OF THE CONVENTION:

Brigadier-General Davis Tillson, Acting Assistant Commissioner, Bureau of Refugees, Freedmen and Abandoned Lands, has communicated to me a proposition on a subject to which I invite your attention. You will find it contained in the copy letter hereto attached.

Not having power to confer jurisdiction on courts, or to prescribe the mode of trial of offenders, I could not enter into the arrangement suggested, but submit the matter to the discretion of the convention. Such an arrangement, if made and executed in good faith by the officers designated, will, in my judgment, tend much to an early removal of martial law.

J. JOHNSON,

Prov. Gov. of Ga.

SATURDAY, OCTOBER 28th, 1863.

The following message was transmitted to the convention, to-wit:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, October 30th, 1865.

*Gentlemen of the Convention:*

I have the honor herewith to submit to you showing the amount of money received and expended by me since entering upon the duties of my office.

Borrowed of T. S. Metcalf, of Augusta, in gold, bearing interest at the rate of 7 per cent. per annum, and payable in gold on the 6th of December, 1866, or 1st of December, 1867, at the election of the State-----	\$ 20,000.00
Borrowed of E. M. Bruce & Co.-----	10,000.00
"    "  Angusta Manufacturing Co.-----	5,000.00
"    "  J. M. Newby-----	2,500.00
"    "  C. F. McKay-----	5,000.00
Cash of G. F. Cross pr. cards sold-----	2,000.00
The gold received was sold at a premium of 46½ per cent., making-----	9,300.00
Total -----	\$ 53,800.00

The last sums named were received in currency, and are to be paid in currency and bear interest at the rate of 7 per cent. per annum from the 6th of October, 1865, payable out of the first available taxes collected.

The expenditures are as follows, to-wit:

Items in Warrants in Comptroller-General's

Report -----	\$ 4,050.00
Freight on Public Documents-----	10.00
H. J. G. Williams, temporary services-----	25.00
Advance to L. H. Briscoe, Secretary-----	85.00
D. A. Caraker, work and materials-----	326.70
R. F. Williams, repairs on State House clock--	40.00
E. D. Brown, lightwood furnished-----	150.00
<hr/>	
Total -----	\$ 4,686.70

J. JOHNSON,

Prov. Gov. of Ga.

October 30th, 1865.

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MONDAY, OCTOBER 30th, 1865.

The following message was transmitted to the convention, to-wit:

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, October 30, 1865.

GENTLEMEN OF THE CONVENTION:

On last evening I received the following telegrams.  
Concurring in the justice and propriety of the views

therein contained, it is respectfully recommended that the action of the convention conform thereto.

J. JOHNSON,  
Prov. Gov. of Ga.

[Inclosure No. 1.]

WASHINGTON, October 28th, 1865.

*To His Excellency, JAS. JOHNSON:*

Your several telegrams have been received. The President of the United States cannot recognize the people of any State as having resumed the relations of loyalty to the Union that admits as legal obligations, contracts or debts created on them to promote the war of the rebellion.

WILLIAM SEWARD.

[Inclosure No. 2.]

WASHINGTON, October 28th, 1865.

(GOVERNOR JOHNSON:

Your dispatch has been received. The people of Georgia should not hesitate one single moment repudiating every single dollar of debt created for the purpose of aiding the rebellion against the government of the United States. It will not do to levy and collect taxes from a State and people that are loyal and in the Union, to pay a debt that was created to aid in taking them out, thereby subverting the constitution of the United States.

I do not believe the great mass of the people of the State of Georgia, when left uninfluenced, will ever submit to the payment of a debt which was the main cause of bringing on their past and present suffering, the result of the rebellion. They who vested their capital in creation of this debt, must meet their fate and take it as one of the inevitable results of the rebellion, though it may seem hard to them. It should at once be made known, at home and abroad, that no debt contracted for the purpose of dissolving the Union of the States can or will be paid by taxes levied on the people for such purposes.

ANDREW JOHNSON,

President U. S.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, October 30th, 1865.

Pursuant to an election held in the county of Gordon for two Justices of the Peace, the returns of which have been certified to this office, commissions were this day issued to W. H. McDaniel of the 1055 District, and Samuel D. Wylie of the 849 District, Gordon County.

Also, a commission to Cicero A. Poole of the 1043 District, Paulding County.

By the Governor:

L. H. BRISCOE, Secretary.

MONDAY, OCTOBER 30th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, October 30th, 1865.

TO THE CLERK OF THE SUPERIOR COURT  
OF NEWTON COUNTY:

*Whereas*, At a recent session of Newton Superior Court Uil Harper, Josiah Wooley, Marion Mitchell, A. P. Mitchell and John M. King were indicted by the Grand Jury of said County for "retailing spirituous liquors without license," and on being arraigned plead guilty, whereupon a fine of fifty dollars was imposed on each defendant and costs of prosecution. *And whereas*, Hon. Alexr. M. Speer, the presiding Judge who imposed said fines, together with other prominent citizens, have petitioned me that said fines be remitted, it is therefore

*Ordered*, That the said fines be, and they are hereby, fully remitted.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Governor of Georgia.

By the Governor:

L. H. BRISCOE, Secretary.

TUESDAY, OCTOBER 31st, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, October 31st, 1865.

*Gentlemen of the Convention:*

In reply to your resolution asking information relating to the cotton purchased and assets of the State held abroad, I have the honor herewith to submit to you certain communications,\* letters and copy notes, which contain all the information that I have in my possession.

From these documents it appears that the cotton in Savannah, which was captured, had been previously sold without authority.

Learning also in this connection, that the notes of Mr. Brigham as set out had been executed for the purchase thus made, I did not hesitate to notify the Secretary of the Treasury of the United States that the State of Georgia might set up a claim to the cotton sold and captured.

Upon this state of facts, Georgia, in my opinion, has her election, either to ratify the contract or disaffirm it. I respectfully recommend that the notes be returned to the parties executing them, and that the Government of the United States be notified that the claim against it for the cotton captured belongs to and will be insisted upon by Georgia.

JAMES JOHNSON,  
Prov. Gov. of Ga.



\*[Enclosure No. 1.]

MILLEDGEVILLE, GA., August 12th, 1865.

*His Excellency* JAMES JOHNSON:

SIR: In compliance with your request, I submit the following statement of facts in reference to the cotton belonging to the State of Georgia, which was at Savannah, when the city was occupied by General Sherman's forces, which had been purchased, partly under acts of the Legislature, and partly on account of the State road, which is the property of the State.

Before proceeding, however, I wish to premise, that I have not the reports of the agents of the State now before me, and cannot state accurately, the number of bales of cotton then in Savannah, belonging to the State. Full reports will be made and an accurate statement of the whole number of bales purchased for the State and the disposition made of each, will be submitted to your Excellency in proper time to be laid before the Legislature.

When General Sherman was on his march through the State, and before he had reached within two hundred miles of the city of Savannah, I sent Mr. Robert L. Rodgers, a reliable officer of the State road, to Savannah, with orders to call on Dr. G. D. Phillips, Superintendent of the road, then at No. 3½, on the Central road, with the rolling stock of the State road, for all the motive power necessary to remove all the State's cotton from Savannah. The number of engines and cars at command for this purpose, and I directed Mr. Rodgers to remove the cotton out by the way of Charleston, and to deposit it in upper Carolina as might be safe.

Mr. Rodgers went to Savannah, and as he reported, applied to Lieut.-General Hardee, in command, for leave to ship the cotton over the road towards Charleston, on State road cars, which was positively refused. After he found that all efforts to ship were fruitless, he consulted Colonel A. Wilbur, who had most of the cotton in charge as agent of the State, and who was authorized to sell for currency in hand or on short time, the part which was purchased by the Western and Atlantic Railroad, and informed him of the decision of General Hardee.

On receiving this information, Colonel Wilbur, as I am informed, consulted with General Toombs, then in the city, and with other men of good judgment, who were officers of the State, who advised him to sell the cotton. He then sold 1,650 bales of it to Mr. H. Brigham at \$1.10 in currency per pound, and took notes for the amount guaranteed by other parties, as will be seen by reference to the notes now of file in the State Treasury, amounting in the aggregate to \$871,200. These notes were due six months after date, in Confederate States Treasury Notes, or State Treasury Notes, with privilege to the parties at maturity, to renew them for six months more, by paying interest for the last six months.

As soon as the trade was closed and the notes taken, Colonel Wilbur sent them to me at Macon, by Captain Gilmartin. At the time Captain Gilmartin reached Macon, it was the received opinion there, in which I concurred, that General Sherman would cross the river above Savannah, and seek his water base at Hilton Head. Colonel Wilbur was only authorized to sell the part of the cotton purchased by the State road, and he was not authorized to give so long a time for payment. By the terms of the contract, the parties could pay in Confed-

erate notes at their option. In view of all these facts, I decided that I would not ratify the contract. I would not then have sold any property of my own for Confederate notes, payable in twelve months, and I would not do for the State in this particular, what I would not for myself. I therefore wrote to Colonel Wilbur, that I declined to ratify the sale, as I preferred to take the risk, sooner than take the notes, due so long after date.

This letter I sent by Captain Gilmartin, who started immediately back to Savannah by way of Thomasville. But before he reached Savannah the road was cut by General Sherman's Cavalry, and communication with Colonel Wilbur rendered impracticable.

He returned, and I directed him to keep the notes in a safe, till further orders. I afterwards heard, that the purchasers had filed their claim for the cotton, after it fell into the hands of the United States authorities. On my return from New York, in June last, I met Colonel Wilbur in Savannah, who told me, the parties were still willing to abide by the contract, and to pay their notes in State Treasury notes. After this, I received the notes from Captain Gilmartin, and turned them over to John Jones, State Treasurer, where your Excellency has access to them.

I am, very respectfully,

Your obedient servant,

(Signed)

JOSEPH E. BROWN.

[Enclosure No. 2.]

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, August 16th, 1865.

HON. HUGH McCULLOCH,  
Secretary of Treasury, U. S.,  
Washington, D. C.

DEAR SIR: I desire to notify your Department, that a certain number of bales of cotton, captured by General Sherman in Savannah, may be claimed by the State of Georgia, as belonging to her. The material facts of the case, as I am informed, are: On the approach of General Sherman to Savannah, the agent of the State sold the cotton to Mr. Brigham and others, on certain terms. Governor Brown, on receiving notice from the agent, refused to ratify the sale, but this was not communicated to the agent until after capture. I will communicate further particulars on receipt of information. In the meantime, I hope the claim of the State will not suffer prejudice.

Yours truly,  
JAS. JOHNSON,  
Prov. Gov. of Ga.

[Enclosure No. 3.]

(COPY)

\$63,511.00.—On or before the first day of June, 1865, I promise to pay to the order of Joseph E. Brown, Gov-

ernor of the State of Georgia, with the privilege of renewal for an additional six months, with interest after renewal, the sum of sixty-three thousand five hundred and eleven dollars, in Confederate States Treasury notes, or in State of Georgia Treasury notes, of the new issue, being in part purchase of (1,650) sixteen hundred and fifty bales cotton.

Savannah, November 30th, 1864.

(Signed)

H. BRIGHAM.

(COPY)

\$49,632.00.—On or before the first day of June, 1865, I promise to pay to the order of Joseph E. Brown, Governor of the State of Georgia, with the privilege of renewal for an additional six months, with interest after renewal, the sum of forty-nine thousand, six hundred and thirty-two dollars, in Confederate States Treasury notes, or in State of Georgia Treasury notes, of the new issue, being in part purchase of (1,650) sixteen hundred and fifty bales cotton.

Savannah, November 30th, 1864.

(Signed)

H. BRIGHAM.

We, the undersigned, hereby bind ourselves as securities, each in the sum of one hundred and seventy-four thousand, two hundred and forty dollars (\$174,240).

(Signed)

D. H. BALDWIN,

ANDREW LOW,

A. WILBUR,

WARREN MITCHELL.

(COPY)

\$318,761.00.—On or before the first day of June, 1865, I promise to pay to the order of Joseph E. Brown, Governor of the State of Georgia, with the privilege of renewal for an additional six months, with interest after the renewal, the sum of three hundred and eighteen thousand, seven hundred and sixty-one dollars, in Confederate States Treasury notes, or in State of Georgia Treasury Notes of the new issue, being for part purchase of (1,650) sixteen hundred and fifty bales cotton.

Savannah, November 30th, 1864.

(Signed)

H. BRIGHAM.

(COPY)

\$439,296.00.—On or before the first day of June, 1865, I promise to pay to the order of Joseph E. Brown, Governor of the State of Georgia, with the privilege of renewal for an additional six months, with interest after renewal, the sum of four hundred and thirty-nine thousand, two hundred and ninety-six dollars, in Confederate States Treasury notes, or in State of Georgia Treasury notes of the new issue, being in part purchase of (1,650) sixteen hundred and fifty bales cotton.

Savannah, November 30th, 1864.

(Signed)

H. BRIGHAM.

[Enclosure No. 4.]

SAVANNAH, September 9th, 1865.

*His Excellency* JAMES JOHNSON:

Provisional Governor of Georgia:

SIR: Mr. Wilbur writes me from New York, relative to an interview with you on the subject of a quantity of cotton purchased by me from the State of Georgia, in November last, and I presume he gave you all the particulars of the transaction.

I will say, that the purchase was made in perfect good faith, and I expected to have been able to place the funds in Milledgeville long before the notes became due, as I had quite an amount in Columbia and in Augusta. The occupation of the roads by the Union army, however, prevented my accomplishing the object, as I was not permitted to send funds or letters appertaining to business to any point outside.

I made every effort to communicate with Governor Brown, and sent specially to him to see if I could not arrange the matter by paying in sterling at a rate, as Confederate money had become so nearly worthless that I did not desire to offer it to him, and I have not proposed to pay in this kind of funds. Now my position is this: After the Union army came into Savannah, hearing not a word from Governor Brown, or any one else, that the trade was not satisfactory, and finding that the cotton was being taken away, and no owner allowed to go near it, or to know when and by what vessel it was taken, I made an arrangement (as did most holders of cotton here) with parties to follow it, and gave them the claim to collect on certain conditions, and they now hold

my power of attorney, and have expended some money probably. I also paid some insurance and other expense.

Had I known that there was any hesitation on the part of Governor Brown, or any one in authority, in confirming the sale, I certainly should not have taken any steps to recover proceeds. But so far from knowing anything about it, I became satisfied that the notes had been received, and supposed all to be satisfactory, and I never heard to the contrary until a few days before Mr. Wilbur left for the up-country and the North.

I have thus stated my position, and I desire to have a perfect understanding, and will feel obliged if you will advise me what you desire me to do in the matter. I would, of course, not propose to pay in Confederate money, but would pay an amount in currency and settle the matter, if agreeable to you.

The chances for recovering the cotton, or the pay for it, are not very promising, and I regret that I ever made the purchase.

Hoping that you will favor me with your views upon this matter, I remain,

Yours truly,

(Signed)

H. BRIGHAM.

P. S.—If necessary, I will try and come to Milledgeville, and have the above matter fixed, although it is not convenient to leave just now.

H. B.



[Enclosure No. 5.]

MILLEDGEVILLE, October 30th, 1865.

*His Excellency* JAMES JOHNSON:

Provisional Governor.

SIR: In compliance with your request, I have the honor to hand you for the use of the convention, a statement of the cotton belonging to the State, which was burnt or captured by the Federal authorities, with the time and place of capture or destruction, together with a statement of the consignments of the cotton, and the drafts made on the assets arising from its sale.

The State appropriated the money to purchase the cotton, and the money was drawn from the Treasury upon Executive warrants, by the purchasing agents, who receipted for it. It is a well known fact, that the Governor can take no money from the Treasury. When an appropriation is made by the Legislature, he can draw his warrant in favor of the person or agent, entitled to receive it, and the person in possession of the warrant, draws the money giving his receipt for the warrant. It is equally true that when public money is paid into the Treasury, or made subject to the draft of the Treasurer, it cannot be taken out, except upon Executive warrant under an appropriation by the Legislature.

If then, the money arising from the sale of the cotton abroad, had been placed to the credit of the Treasurer, it could not have been used for the purchase of supplies, without another act of appropriation. I therefore directed that the money be placed to my credit as Governor of Georgia, when I ceased to be Governor, the

money, if not drawn, would have remained to the credit of my successor. This I thought safer than to have it deposited to the credit of an agent of the State, who might have no successor in office, which might cause embarrassment in drawing upon it. I make this statement in response to that part of the resolution of the convention, which calls for information on this point. And I will here add, that all drafts upon the State's funds abroad, have been made in my name as Governor of Georgia.

The report made to the General Assembly in November last, showed that there had been purchased on account of the State, under the appropriations prior to the date of the report, 4,048 bales of upland, and 383 bales of Sea Island cotton.

After that time, and prior to 1st March, 1865, the State agents had purchased 1,961 bales more of upland. There were also 40 bales purchased, in addition to the above number, which were not paid for, owing to the fact, that it was found to have been packed with bad cotton, and other material, or as is usually said, false packed. The owner, after this was discovered, has not so far as I know, applied for payment, and thus the matter stands.

The aggregate number of bales purchased is 6,049 of upland, and 383 of Sea Island.

This cotton has been disposed of as follows: Shipped to Wilmington to George Harriss, State agent, 3,581 bales of upland and 208 of Sea Island. Of this 1,272½ bales were exported through the blockade, 282½ bales upon the steamer Index, under control of the Confederate Government, at £40 sterling per ton, for freight to the

Islands, in consideration that the State would sell to the Confederacy, the same number of bales at what it had cost her to lay it down at Wilmington, making the whole cargo of the vessels 565 bales; one-half for the State, and one-half for the Confederacy. This was consigned by direction of the Confederate officer in control, to Chas. H. Reid & Co., London.

The Messrs Reid, acknowledged the receipt of the cotton, as will be seen by the annexed copy of their letter, and authorized me to draw upon it for £5,000. This was less than its full value, and I afterwards made two drafts upon it which will be hereinafter mentioned, which were both protested for non-payment; I am informed, upon the ground that they claim to own bonds and coupons of the State, now due, to an amount larger than the sum due for the cotton. I have been able to get no report of the amount realized by them, by the sale of the cotton. The other 990 bales, which were acknowledged by him as 1,008 bales, were consigned to Henry Lafone, of Liverpool, who was one of the principal owners of the line of steamers chartered by the State, upon which the cotton was carried out. This was carried out, bale for bale, to the Islands. As will appear by the statement below, Mr. Lafone has refused to honor a large part of the drafts made upon him. The reason assigned by him is, that the State is indebted to him upon a contract made with Colonel Lamar, who was the agent of the company owning the steamers, and the principal agent of the State for the shipment of the cotton, for the value of the steamer Florie, which was lost near Charleston. I am fully satisfied, however, that he is neither legally nor equitably entitled to payment of the claim set up by him. It is said the company lost heavily about the time and

before our armies capitulated, and that Mr. Lafone's solvency is now probably questionable.

As above stated, 1,272½ bales of the 3,581 shipped to Mr. Harriss, were exported, and 282½ bales sold to the Confederate Government. There were burnt at Florence, South Carolina, about the 5th of March last, where it had been removed for safety, when Wilmington was threatened by the enemy, 1,440 bales of upland, and 205 of Sea Island, by order of Lieut.-Colonel Williams, the Confederate officer in command, under the circumstances detailed by Messrs. Wing and Anderson, the conductors on the State trains, in their affidavits hereunto annexed.

Three hundred and sixty-one bales were turned over to Mr. L. G. Bowers, in payment of £1,675.10 shillings, due the steamers for freight on inner cargoes, leaving in the hands of Mr. Harriss, from the best information I have, 225 bales of upland, and three of Sea Island, when the city fell. Of this, I am informed 193 bales were burnt by our own troops, at the time of the evacuation of Wilmington, and 32 bales were taken by the Federal authorities.

As Mr. Harriss's report has not yet reached me, I speak from information which I believe to be reliable. The report is expected by every express.

There were purchased by the agent at Savannah, 451 bales upland cotton, which he reports disposed of as follows: Exported from the coast of Georgia, on different small vessels, 189 bales, of which 58 were lost at sea. Thirty-seven were burnt on the Atlantic and Gulf Railroad, in April, 1864. Three were stolen from the warehouse and four were destroyed by becoming wet on board a small vessel at Savannah, while the vessel was detained

by the Confederate authorities, who refused to let her leave the port. Ninety-four bales were sold to Mr. H. Brigham, in the lot of 1,650 bales, of which your Excellency has a statement. Captured by the Federal authorities at Savannah, when General Sherman entered the city, 124 bales, for which warehouse receipt was returned with agent's report, submitted to the General Assembly in November last. This accounts for the whole number of 451 bales. There were also 96 bales of the Sea Island cotton above mentioned, in charge of the same agent, which he retained in lieu of 168 bales upland cotton under his control in Macon and Griffin, belonging to the Home Insurance Company, and others, which were taken by the agent of the State road and shipped for sale, while the road was purchasing and shipping for that purpose, and had not been paid for when the Federal army intervened.

This 96 bales was, however, captured and carried away by the Federal authorities.

There were in possession of Colonel C. A. L. Lamar, agent of the State, for exportation, 892 bales of upland, and 79 of Sea Island at Savannah. Of this, 832 bales of Upland, are included in the 1,650 bales sold to Mr. Brigham, by Colonel Wilbur, which Colonel Lamar's agent reported to Colonel Wilbur, as in danger of capture, when General Sherman was advancing. The other 60 bales of Upland, and the 79 of Sea Island, were stored with Mr. Lamar's cotton, and was, I am informed, carried away by the Federal authorities.

In this connection, I think it proper that I mention, that Colonel Lamar was not then in Savannah, and never was after that time. He was killed in battle at Colum-

bus, in April last. He had made no written report to me prior to the sudden termination of his life, which has caused some embarrassment in getting all the facts necessary for a correct report, and may be the cause of some slight inaccuracies. It is believed, however, that every statement is substantially correct.

Of the remainder of the cotton, 617 bales were burnt at Columbus, when General Wilson occupied the city in April last, and about the same time 346 bales were burnt at Butler, by the troops under his command. The warehouse receipts for these lots of cotton, are in the hands of the State agent, subject to the order of your Excellency.

Nine bales were burnt in the warehouse of Mr. Beall, of Augusta, as heretofore reported.

The original invoices, and all the papers pertaining to the purchase of the first named 4,048 bales, were submitted to the Legislature, with the report of the agents, made last November. The like papers relating to the 1,961 bales, purchased since that time, are subject to the order of your Excellency or the Convention.

In addition to the exportations above mentioned, 153 bales were carried out for the State of Georgia, upon the steamer "Little Ada," which was so long blockaded by both Federal and Confederate authorities, in one of the inlets on the coast of South Carolina.

It was reported to me, that the troops located at the inlet, where the steamer lay, had cut off a large number of the ropes from the cotton for halters, which caused the cotton to reach Nassau in bad order. One-half the whole cargo of the vessel was finally yielded to the Confederate Government before the steamer was permitted to clear, and the Confederate agent in Nassau, as reported to me

by Mr. G. B. Lamar, ordered the sale of the cargo at that place at auction. The State's part of the cargo brought £2,000 sterling, which Mr. Lamar informed me was placed to the credit of the State, with Mr. Lafone.

#### RECAPITULATION.

Whole number of bales purchased and paid for,	
Upland, -----	6,009
Upland not paid for -----	40
Sea Island paid for -----	383

#### DISPOSED OF

Exported safely, Upland -----	1,556½
Lost at sea -----	58
Sold to Confederate Government -----	282½
Used in payment of freights on imports --	361
Sold to Mr. Brigham -----	926
Burnt, -----	2,642
Captured, -----	223

---

6,049

Sea Island burnt -----	205
Sea Island captured -----	82
Exchanged and lost by owner, -----	96

---

383

There were also purchased for the State, 275 boxes of tobacco, which was shipped to Wilmington, and on the approach of the Federal armies removed to Timmonsville, South Carolina, where the Troops of General John-

ston's army, on their return home, took possession of it, and distributed among themselves about 200 boxes. The balance is reported as sold by the conductors in charge of the trains, and used to make repairs upon the engines, and to subsist upon, etc., as they were left in charge of the trains after the surrender of our armies, without funds which they could use for their support.

Of the 131 bales exported safely from the coast of Georgia, bale for bale, 83 bales were consigned to Beach, Root & Co., of Liverpool, shipped on the "Mary Agnes," and 25 bales on the sloop "Governor Brown." Part of the proceeds of this cotton was due them for freights imported on their vessels, for the State, at Wilmington, and the balance has been drawn upon, to meet in part, the drafts protested on Henry Lafone. I have not received the account of sales and account current from them. I saw both Mr. Beach and Mr. Root, in Atlanta, and Mr. Beach stated, that it would be sent out as soon as he reached Liverpool on his return. The other 23 bales were consigned to Messrs. Johnson and Brother, at Nassau, and the proceeds used in the purchase of blankets and expenses for storage, etc., of other goods stored by them for the State, as per account rendered.

I also hand you, with this report, the sale accounts of the cotton consigned to Mr. Lafone, which show that he sold 1,008 bales, one-half on account of the State, and one-half on account of the vessels. The net proceeds of the State's part amounted to £18,746, 7 shillings and 10 pence.

The following are the drafts made by me on funds abroad, arising from the proceeds of cotton, which have been honored:

In favor of James G. Bailey, of Nassau,



on Henry Lafone, to pay for blankets, cotton cards and freights,  
 Aug. 23, 1864, at 60 days----- £1,000

September 29th, 1864, at 30 days----- 1,000

November 8th, 1864, at 60 days----- 500

November 8th, 1864, at 60 days----- 2,000

(See his account current herewith transmitted.)

In favor of Andrew Low & Co., Sept. 29,  
 1864, at sight, to pay expenses of  
 Col. Wm. Schley, State agent to  
 England, ----- 625

In favor of E. & S. L. Waitzfelder, of  
 London, Oct. 6th, 1864, at 60 days,  
 to pay on account of soldiers' clothing,  
 grey cloth, soldiers' shoes,  
 hats, etc., ----- 4,000

In favor of W. H. Gilliland, to pay freight  
 on one shipment of cotton cards,  
 draft dated Jan. 5, 1865, at 60 days 136 7s. 1d.  
 DRAFTS PROTESTED FOR NON-ACCEPTANCE.

January 12th, 1865, at 60 days, in favor  
 of E. & S. L. Waitzfelder, on Henry  
 Lafone, ----- £4,000

February 14th, 1865, at 40 days, in favor  
 of same, on same----- 3,850 11s. 4d.

February 11, 1865, at 60 days, in favor of  
 same, on same----- 2,263

February 14, 1865, on Charles H. Reid &  
 Co., in favor of same, at 40 days-- 3,747

May 9, 1865, in favor of same, on same,

at 30 days----- 1,544 4s. 4d.

These drafts, amounting in the aggregate to £15,404 15s. 8d. in favor of the Messrs. Waitzfelder, of London. were drawn in payment for supplies of the kind above mentioned, furnished by them, and have been protested for non-acceptance, on the grounds already mentioned in this report.

The only other draft drawn by me on State cotton abroad was on Messrs. Beach, Root & Co., as above stated, for whatever amount the cotton in their hands may net, in favor of said E. & S. L. Waitzfelder, to pay as far as it will go on the protested drafts. It is supposed the account current when received, will show about £1,400 paid on draft by them.

I believe the only remaining point upon which the resolution asks information is, as to the probable value of the cotton destroyed and captured. Its original cost to the State in currency, was about \$1,500,000.

As above stated, 926 bales of the cotton sold by Col. Wilbur, State agent, to Mr. Brigham, on the approach of the Federal army, were purchased under the appropriations. The balance of the 1,650 bales embraced in the sale, to-wit.: 724 bales belonged to the Western & Atlantic Railroad. For a full statement of this transaction, your Excellency and the convention are referred to my report of it heretofore made at your request.

It will also be seen by reference to the affidavit of A. A. Beall, of Augusta, hereto annexed, that 351 bales of cotton, belonging to the State Road, were burnt by the military authorities of the Confederate States, at Charles-

ton, South Carolina, about the time the city was evacuated by our troops.

The whole amount in currency drawn from the Treasury by the Agents, for the purchase of cotton under the different appropriations made for the purchase of soldiers clothing, cotton cards and such other supplies as were directed to be imported, was \$3,069,639.21. Of this sum, \$206,381.88 was returned to the Treasury by the agent, and \$2,863,257.33, was expended in the purchase of the cotton and tobacco above mentioned, and in the payment of freights, export duties, bagging and rope, compressing cotton, storage, insurance, drayage, light-erage, commissions and other incidental expenses.

As the Legislature imposed upon me the heavy and delicate responsibility of purchasing and exporting cotton, and of purchasing and importing supplies, I have felt that justice to myself required that I should not confine this report to the points upon which information was asked by the resolution of the Convention, but that I should give a general statement of the amounts expended for the cotton and tobacco, the quantity *purchased*, as well as the quantity destroyed, and the disposition made of the whole.

The unwise and rash conduct of the Confederate military authorities in applying the torch to the cotton, and the like destruction of it by the Federal officers, has caused heavy losses.

This, however, was one of the results of the war which I had no power to control,

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

I beg leave to add, that I have only ascertained the true condition of some of the matters mentioned in this report within the last few days; hence they have not been communicated to you at an earlier period.

J. E. B.

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TUESDAY, OCTOBER 31st, 1865.

The following message was transmitted to the convention, to-wit.:

EXECUTIVE OFFICE,  
PROVISIONAL GOVERNOR OF GEORGIA,

MILLEDGEVILLE, October 31, 1865.

Gentlemen of the Convention: I have the honor herewith to transmit to you copies of telegrams sent by me on Friday last to the Secretary of State and His Excellency, the President of the United States.

These telegrams and the replies to them, before communicated, exhibit all the official intercourse I have had with the government or any of its officers in relation to the debt of Georgia.

JAMES JOHNSON,  
Provisional Governor of Georgia.

(Copy of Telegram.)

TO HON. WM. H. SEWARD,

Secretary of State, Washington, D. C.

We are pressed on the war debt. What should the convention do?

JAMES JOHNSON,  
Governor, etc.

(Copy of Telegram.)

TO *His Excellency,*

ANDREW JOHNSON, President United States,  
Washington, D. C.

We need some aid to reject the war debt. Send me some word on the subject. What should the convention do?

JAMES JOHNSON,  
Provisional Governor of Georgia.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T OF GEORGIA,

MILLEDGEVILLE, October 31, 1865.

he recommendation and appointment of J. C. Ordinary of the County of Clay to fill the unexpired term of J. H. Jones, deceased, it is ordered, That a commission issue in the usual form

to said Wells to fill the same upon compliance with the requisition of the statute in such case made and provided.

JAMES JOHNSON,  
Provisional Governor of Georgia.

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WEDNESDAY, NOVEMBER 1st, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T OF GEORGIA,  
MILLEDGEVILLE, November 1, 1865.

Commissions having heretofore issued to Abraham McCulloch and E. Everett, and not having been received, it is hereby

Ordered, That new commissions issue in lieu of the original.

JAMES JOHNSON,  
Provisional Governor of Georgia.

THURSDAY, NOVEMBER 2nd, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T OF GEORGIA,  
November 2d, 1865.

It is hereby ordered, That the Comptroller-General and Treasurer of the State furnish this office, at as early a date as practicable, all information which they possess touching certain matters and things enquired of by the convention by a resolution this day passed by them.

JAMES JOHNSON,  
Provisional Governor of Georgia.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T OF GEORGIA,  
MILLEDGEVILLE, November 3, 1865.

*Whereas*, The undersigned, as Provisional Governor of the State of Georgia, has been authorized to negotiate certain loans of money for the use of the State by virtue of an ordinance of the convention of the State adopted on the first day of November A. D., 1865, entitled as follows:

“An ordinance to request and authorize the Provisional Governor to borrow, on the credit of this State, a sufficient sum of money to pay what may be due on the civil list, and what may become due thereon, until, by the collection of taxes, the State may dispense with loans; and to extend the power to the Governor to be elected by the people in a certain contingency.”

It is ordered, That the Honorable John P. King, of the city of Augusta in this State, be, and he is hereby appointed agent for the purposes in said ordinance set forth, and he is hereby fully authorized and empowered to negotiate said loan or loans subject to the conditions therein stated, on such terms and in such manner as in his discretion may be most conducive to the best interest of the State. And I do hereby confirm and ratify, in advance, all such agreements and arrangements as he may make in the discharge of his agency aforesaid.

Given under my hand and seal of the Executive Department, the day and year above mentioned.

JAMES JOHNSON,

Provisional Governor of Georgia.

By the Governor,

L. H. BRISCOE,

Secretary.

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SATURDAY, NOVEMBER 4th, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T OF GEORGIA,

MILLEDGEVILLE, November 4, 1865.

Ordered, That the several persons hereinafter named be, and they are hereby, appointed Commissioners of Deeds for the State of Georgia in the several States and cities in which they respectively reside, with full power



and authority to act in all such matters as by the laws in force they are authorized to do by reason of their official capacity aforesaid, and that commissions in usual form issue to each, to remain in force during good behavior or until vacated by competent authority, viz.:

Name.	City and State.
John McClaren.....	Philadelphia, Pennsylvania.
L. W. Sloat.....	New York, New York.
Sidney T. Douglass.....	Mobile, Alabama.
Henderson A. Morse.....	New Orleans, Louisiana.
S. H. Sweatland.....	Washington, D. C.

L. H. BRISCOE,  
Secretary.

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MONDAY, NOVEMBER 6th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T OF GEORGIA,  
MILLEDGEVILLE, November 6, 1865.

The following message was transmitted to the convention, to-wit.:

Gentlemen of the Convention: Upon being notified of the passage of your resolution of inquiry of the 2d instant, I directed the Comptroller and Treasurer to report to me all the information they, or either of them,

had in their possession touching the matters therein contained.

These reports\* have been furnished me, and are herewith communicated. It is proper to add that I have no personal knowledge of any of the transactions alluded to, and that all the information now at my control has been furnished.

JAMES JOHNSON,  
Provisional Governor of Georgia.

\*[Enclosure No. 1.]

TREASURY OF GEORGIA,  
MILLEDGEVILLE, November 3, 1865.

*To His Excellency* JAMES JOHNSON,  
Provisional Governor of Georgia.

SIR: In compliance with an executive order dated yesterday, I herewith submit my answers to certain enquiries addressed to you by a resolution of the convention now in session.

To the enquiry as to how much money has been drawn from the treasury for the purchase of cotton and tobacco, the answer will be found in a transcript of the warrant book in this office hereto attached, which should agree with the report of the Comptroller-General and the books of the financial Secretary of the Executive Department; and which shows for what these warrants were drawn and to whom they were paid. They were signed by the Governor upon authority of acts of the Legislature; were approved by the Comptroller-General whose duty it is to

keep the accounts of the different appropriations and see that the funds of the State are not misapplied. I have no recollection of the funds they were paid in, though I think mostly in Confederate Treasury Notes, except when they were presented at a time when I had no Confederate Notes in the treasury; in which case I was authorized and required by law to pay the notes of the State issued to meet any deficiency that might arise in funds to pay the appropriations of the Legislature. Having seen no necessity for it and not being required by law to keep a record of the amounts of different kinds of notes paid out, I have not done so and have no reliable recollection about the matter. I do not know that it is expected of me to answer the questions as to how the agents of the State disposed of the money entrusted to them; what they bought with it, at what price or what became of it; and I hope my answer will not be considered curt or disrespectful when I say I do not know and have no means of knowing. I suppose their accounts were rendered to the Governor, or will be to the Legislature. How many agents or sub-agents or other persons may have been employed in the disbursement of money on account of the State, drawn from the treasury, how much cotton or tobacco was bought or sold, the prices paid, in what currency or what was done with it, or became of it, I have no means whatever of knowing. The State Treasury Notes of all kinds were printed under the supervision and prepared for issue in the office of the Comptroller-General; when ready for issue they were turned over to me and I gave my receipts to him for them as follows:

Of notes payable in eight per cent.

bonds or specie-----	\$	3,758,000.00
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Of bonds payable in six per cent. bonds or specie, -----	4,800,000.00
Of notes payable in Confederate Treas- ury Notes, -----	8,165,000.00
Of change bills payable in Confederate Treasury Notes, -----	1,463,192.00
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Making in all issues the sum of ----- \$	18,186,192.00
Of these there have been redeemed and burned, -----	2,993,500.00
And of these -----	465,416,115.00
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	3,458,916.15

Leaving yet outstanding (except about \$80,000 now in the treasury.) After the issue of these notes was ordered by the Legislature, (I mean the issue of the eight per cent.) and before they could be prepared, there was considerable opposition to them in commercial circles; most capitalists having desired the issue of bonds by the State which would begin to pay interest at the moment of investment, while these notes would produce none until six months after the termination of the war. It was even intimated that some influential banks would not receive them on deposit; of course the city merchants as well as those from the country towns corresponding with them became shy and the people who have their judgment of money almost always formed or controlled by the banks, handled them with cautious reserve; at this juncture when the State was pressed for the want of money to meet the extraordinary and daily calls upon the treasury, Governor Brown and a number of patriotic citizens advanced their private funds to the State, tak-

ing the certificates of the treasurer conditioned to be paid in State Treasury Notes when issued, I think the amount thus advanced by Governor Brown of his own funds as well as of others, and as trustee for his children (as I understood) was upwards of three hundred thousand dollars. The certificates were taken up as soon as the notes were ready, and perhaps it would not be improper to notice that then they not only commanded no premium but were not as favorably received as the notes of the Confederacy, which were, I think, just making their appearance. Before the amounts thus advanced were exhausted, many of the banks changed their policy and notified the Governor that large amounts would be placed on their books to the credit of the State and subject to the checks of the Treasurer, and that they would receive the treasury notes of the State when issued in payment of these accommodations. For this timely aid Georgia owes a debt of gratitude she can not repay to the late R. R. Cuyler, President of the Central Railroad Bank, whose patriotic and efficient efforts in her behalf and unhesitating and important aid whenever asked, ceased only with his valuable life. But one pace behind him, ever ready to support him in his noble work as well by his own example as by his exhortations and appeals to others, stood G. B. Lamar, President of the Bank of Commerce. This action of the banks becoming known, many other citizens came forward with what capital they could control and asked to be allowed to exchange for the State notes. Without hesitation I granted their requests. These amounts ranged from a few dollars to hundreds and thousands. Toward the winter of 1862, the notes of the State began to be considered as safe, if not safer than those of the Confederacy, and this became so apparent

that at the session of 1862, a resolution was introduced in the Senate authorizing the Governor to sell the State notes at such premium as they might command for the benefit of the State. This resolution, as is shown by the journal of the Senate, was twice up for discussion. In debate it was opposed strongly on the ground that such action would tend to depreciate the notes of the Confederacy and that it was neither wise nor patriotic to admit of any distinction between those and the notes of the State; at its second discussion it was laid on the table for the present, and it was never afterwards acted on, the effect was to show that the Legislature desired no difference to be made or countenanced by any officer of the State. Under this action of the Legislature I did not feel authorized to make any distinction between State and Confederate notes, but paid them out in terms of the law whenever there was not a sufficiency of other money in the treasury to meet the appropriations of the Legislature. By another Act of the legislature, executors, administrators, guardians and trustees were authorized to invest in State securities. These notes being to all intents and purposes certificates to the amount of their face that the State would issue her bonds for their redemption at the end of the war, I have had no hesitation (before so great a discount grew up on Confederate Notes) in making exchanges with persons whom I had a right to deem reliable when they assured me that they desired them for the investment of estate funds. In other instances and within the first year or eighteen months after their issue, I have felt warranted and that the State was not wronged thereby, in exchanging with other persons of probity and honor, upon their assurance to me that they desired them for investment, not specula-

tion. I may have ignored the difference between them too long, but I had the same feeling as that exhibited by the Legislature and in that spirit treated Confederate notes as on a par with our own, longer than I ought. Since the depreciation of Confederate notes, I have, when desired, paid out State notes to salaries of the civil list and employees of the State, several times to Commissaries and Quartermasters for purchase of supplies, when it was represented to me that much better bargains could be made by paying in these notes; to the distribution of the indigent soldiers' family fund; to the Hospital and Relief Association; and some times when there were no other funds in the treasury or not enough to meet the drafts presented, I have paid them to private persons. The members and officers of the Legislature have been paid in State notes ever since the Confederate notes showed a serious depreciation; and later when it was plainly manifest that their pay and mileage, even in State eight per cents would not pay their expenses, in consequence of the extraordinary rates of board and travel, I have under the instruction of the Governor permitted them to exchange (for two or three sessions past) from two to four hundred dollars of Confederate notes for the same amount of State notes to enable them to meet, by their sale, their reasonable expenses.

Under the policy adopted by the Legislature of paying the salaries of public officers in State notes, I have always let them have that class of notes when I had them on hand, occasionally, however, when it happened that I had no State notes when their warrants were presented, I have paid them in Confederate notes and allowed them to return them and get State notes when I had them in the treasury. These exchanges, however, amounted to

only a few thousand dollars, but as I have before stated, no records or even memoranda were kept of them, and I can not pretend to give the amount of the money advanced or loaned by the banks and others, amounting to over three millions of dollars to be paid in State notes. I think it due to the lenders to observe that they demanded no interest, and the notes now held by them are mere certificates of indebtedness which can draw no interest according to their face, until six months after the end of the war. All which is respectfully submitted.

JNO. JONES,  
Treasurer.

[Enclosure No. 2.]

COMPTROLLER-GENERAL'S OFFICE,  
MILLEDGEVILLE, Ga., November 4, 1865.

*His Excellency, JAMES JOHNSON, Provisional Governor.*

SIR: Your communication of the 2d inst., asking for information of the Comptroller-General and Treasurer, accompanied by a resolution from the convention, calling upon your Excellency for information upon various subjects has been received, and in response, I have the honor to report, that I can only give you information upon two subjects embraced in that resolution, and they are 1st as to number, date and amount of executive warrants drawn upon the treasury, and in whose favor drawn, for the purchase of cotton for the State; and 2d, as to the amount of State money, or Georgia treasury notes and change bills paid into the treasury since the commencement of the war, when so paid in, and by whom paid in,



etc. Upon examining the books in this office, I find that the following warrants were drawn to purchase cotton and other productions for the State, as authorized by the Acts of the Legislature:

ON SOLDIERS CLOTHING FUND, 1864.

Warrant No. 571 February 11th, 1864 Central Railroad Co., for freight.

Warrant No. 571, February 11, 1864, on 183 bales of cotton from Macon to Augusta, -----	\$ 640.50
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Warrant No. 590, Feb. 19, 1864, L. Waitzfelder, Agt., to pay for cotton for the State, -----	500,000.00
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Warrant No. 632, March 2, 1864, A. Wilbur, Agt., to purchase cotton-----	100,000.00
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Warrant No. 640, March 9, 1864, John Jones, Jr., advanced by order of Gov. to Gans & Co. to purchase cotton for State, -----	120,000.00
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Warrant No. 678, March 31, L. Waitzfelder, Agt., to purchase cotton for the State, -----	200,000.00
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Warrant No. 682, April 1, 1864, L. Waitzfelder, Agt., to purchase cotton for the State, -----	30,000.00
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Warrant No. 861, May 11, 1864, L. Waitzfelder, Agt., to purchase cotton for the State, -----	100,000.00
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Warrant No. 979, June 18, 1864, A. Wilbur, Agt., to purchase cotton for the State, -----	32,000.00
Warrant No. 980, June 18, 1864, L. Waitzfelder, Agt., to purchase cotton for the State, -----	186,370.19
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	\$1,269,010.60

## ON FUND APPROPRIATED FOR THE EXPORTATION OF COTTON.

Warrant No. 150, January 20, 1865, L. Waitzfelder, Agt., to purchase cotton for the State-----	\$ 700,000.00
Warrant No. 390, March 7, 1865, L. Waitzfelder, Agt., to purchase cotton for the State, -----	200,000.00
Warrant No. 480, March 22, 1865, L. Waitzfelder, Agt., to purchase cotton for the State, -----	250,000.00
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	\$1,150,000.00

## ON COTTON CARD APPROPRIATION.

Warrant No. 710, April 19, 1864, L. Waitzfelder, Agt., to purchase cotton for the State, -----	\$ 400,000.00
Warrant No. 933, June 1, 1864, L. Waitzfelder, Agt., to purchase cotton for the State, -----	500,000.00

Warrant No. 980, June 1, 1864, L. Waitz-	
felder, Agt., to purchase cotton for	
the State, -----	100,000.00
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	\$1,000,000.00

These warrants were drawn by the Governor on the treasury in favor of the parties above named, and have heretofore been reported to the Legislature in my annual reports of 1864, page 78, 79 and 80, and 1865, page 76.

In relation to the Georgia treasury notes and change bills paid into the treasury, I have further to report that what are called eight per cent. treasury notes, were as per certificates of the Treasurer, paid into the treasury as follows:

#### EIGHT PER CENT.

Dated January 15, 1862. Received into the	
Treasury April 9, 1862-----	\$ 25,000.00
Dated January 15, 1862. Received into the	
Treasury April 14, 1862-----	25,000.00
Dated January 15, 1862. Received into the	
Treasury April 18, 1862-----	25,000.00
Dated January 15, 1862. Received into the	
Treasury April 19, 1862-----	25,000.00
Dated January 15, 1862. Received into the	
Treasury, April 23, 1862-----	50,000.00
Dated January 15, 1862. Received into the	
Treasury April 30, 1862-----	500,000.00

Dated January 15, 1862. Received into the Treasury May 20, 1862-----	1,050,000.00
Dated January 15, 1862. Received into the Treasury July 23, 1862-----	365,000.00
Dated January 15, 1862. Received into the Treasury August 30, 1862-----	255,000.00
Dated January 15, 1862. Received into the Treasury January 21, 1863-----	30,000.00
Dated January 15, 1862. Received into the Treasury February 28, 1863-----	453,000.00
Dated January 15, 1862. Received into the Treasury March 31, 1863-----	200,000.00
Dated January 15, 1862. Received into the Treasury April 30, 1863-----	80,000.00
Dated January 15, 1862. Received into the Treasury May 30, 1863-----	150,000.00
Dated January 15, 1862. Received into the Treasury June 30, 1863-----	100,000.00
Dated January 15, 1862. Received into the Treasury July 31, 1863-----	255,000.00
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	\$3,588,000.00
Dated January 15, 1865. Received into the Treasury March 31, 1865-----	170,000.00
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	\$3,758,000.00

It will be seen that while all these notes are dated on their face, on the same day (except \$170,000 of those issued to pay the members and officers of the last Leg-

islature and the salaries of other civil officers of the State) yet they were paid into the treasury at different times as they were needed. As the Acts of 1864 required the Treasurer to pay the members and officers of the Legislature in State treasury notes of the class issued under Act of 14th December, 1861, and as none of said notes were engraved or in the Treasury, I intended to have them all engraved as those issued in 1862, with date, vignettes and all, but the engraver had not the materials to so print the \$50 bills, and as their appearance was different from the \$50's issued in 1862, they and the \$5 bills issued for the same purpose were dated 15th January, 1865.

Under Act of 14th December, 1863, \$1,005,000 of the above notes have been cancelled and burned, and treasury certificates of deposit issued for the same, binding the State to the same obligations it assumed on the face of the treasury notes, consequently the burning of these notes did not decrease the liabilities of the State.

What are called the six per cent. treasury notes were, as per certificates of the treasury paid into the treasury as follows:

#### SIX PER CENT.

Dated Feb. 1, 1863. Paid into the Treasury	
February 28, 1863-----	\$ 500,000.00
Dated Feb. 1, 1863. Paid into the Treasury	
March 31, 1863-----	800,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
April 30, 1863-----	300,000.00

Dated Feb. 2, 1863. Paid into the Treasury	
May 30, 1863-----	800,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
June 30, 1863-----	170,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
August 31, 1863-----	430,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
Sept. 30, 1863-----	1,000,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
Dec. 31, 1863-----	500,000.00
Dated Feb. 2, 1863. Paid into the Treasury	
Feb. 18, 1864-----	300,000.00
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	\$ 4,800,000.00

\$445,000 of these notes have also been cancelled and burned, and treasury certificates of deposit given for the same. What are called the currency treasury notes, or notes redeemable in Confederate treasury notes and public dues, were, as per certificates of the Treasurer, paid in as follows:

TREASURY NOTES DUE IN CONFEDERATE  
TREASURY NOTES OR PUBLIC DUES.

Dated April 6, 1864. Paid into the Treasury	
April 30, 1864-----	\$ 2,080,000.00
Dated April 6, 1864. Paid into the Treasury	
May 31, 1864-----	2,430,000.00
Dated April 6, 1864. Paid into the Treasury	
June 30, 1864 -----	2,500,000.00

Dated April 6, 1864. Paid into the Treasury	
July 30, 1864-----	1,040,000.00
Dated April 6, 1864. Paid into the Treasury	
August 30, 1864-----	45,000.00
Dated March 20, 1865 (under Act of 1864),	
Paid into the Treasury May 8, 1865-	70,000.00
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	\$ 8,165,000.00
Redeemed and burned -----	2,993,500.00
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Leaving outstanding -----	\$ 5,171,500.00

The State change bills were, as per certificates of the Treasurer, paid into the treasury as follows:

April, 1863. Paid into the Treasury-----	\$ 62,270.00
May, 1863. Paid into the Treasury-----	102,350.00
June, 1863. Paid into the Treasury-----	80,605.00
July, 1863. Paid into the Treasury-----	53,470.00
August, 1863. Paid into the Treasury----	89,925.00
September, 1863. Paid into the Treasury-	53,350.00
Oct. 15, 1863. Paid into the Treasury----	31,690.00
Oct. 30, 1863. Paid into the Treasury-----	73,750.00
Nov. 30, 1863. Paid into the Treasury----	54,250.00
Feb'y, 1864. Paid into the Treasury-----	134,625.00
April, 1864. Paid into the Treasury-----	292,282.00
May, 1864. Paid into the Treasury-----	28,250.00
July, 1864. Paid into the Treasury-----	114,000.00
August, 1864. Paid into the Treasury-----	171,375.00

Oct., 1864. Paid into the Treasury-----	69,250.00
April, 1865. Paid into the Treasury-----	15,250.00
May, 1865. Paid into the Treasury-----	36,500.00
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	\$ 1,463,192.00
Redeemed and burned -----	465,416.15
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Leaving outstanding -----	\$ 997,775.85

Although the certificates of the Treasurer show the payments as above, yet the same do not show the precise time at which all of these notes were paid in, because, to avoid frequent entries of small amounts on the books of the Treasurer and Comptroller-General's offices, semi-official or temporary receipts were given by the Treasurer for these notes, as they were ready for issue, and deposited in the treasury, and then at a certain time, or after he had received a large amount, he would then give the usual certificates for the total amount received to date, and upon this certificate he was charged on the journal and ledger in this office for the same. Again, in one or two instances the Treasurer, although having given his semi-official receipt for notes received, did not give the usual certificates until sometime after they were received. For instance, although the \$170,000 issued to pay the members and officers of the Legislature, and other civil officers of the State, was turned over to him about the 1st of February, to enable him to settle with the members and officers of the Legislature and others at Macon, yet he did not give the usual certificates for the same until after his return to Milledgeville in March. And again, although the amount of change bills paid into



the treasury as per certificate in April was turned over to the Treasurer in November, and semi-official receipts taken until more were issued, yet in consequence of the breaking up of the things, the want of communication, getting all the books, papers, etc., back to the seat of government, the regular certificate was not given for the same until April.

The above comprises all the State treasury notes that have been issued and paid into the State treasury since the commencement of the war—none were issued before. They were all paid into the treasury as directed by law, by me as Comptroller-General, after the same were numbered, signed and registered. Having said this much, it is hardly necessary to repeat, but that the enquiry of the resolution may be fully answered so far as this office is concerned, I will state, that as a matter of course, no exchange of said notes was ever made for Confederate treasury notes or bonds, or anything of the kind; and further, that no one ever proposed to me such an exchange.

#### RECAPITULATION.

Amount of warrants drawn and passed to purchase cotton for the State.

On soldiers clothing fund of 1864-----	\$ 1,269,010.60
On appropriation for exportation of cotton -----	1,150,000.00
On cotton card appropriation-----	1,000,000.00
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	\$ 3,419,010.60

Amount of Treasury notes, certificates of deposit and change bills outstanding.

Eight per cent. treasury notes-----	\$ 2,743,000.00
Eight per cent. certificates of deposit----	1,015,000.00
Six per cent. treasury notes-----	4,355,000.00
Six per cent. certificates of deposit-----	445,000.00
Treasury notes redeemable in Confederate treasury notes or public dues-----	5,171,500.00
Change bills redeemable in Confederate treasury notes -----	997,775.85
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	\$ 14,727,275.85

With the exception of giving the day and month on which these several classes of treasury notes and change bills were paid into the treasury (which statement was neither required by law, or heretofore deemed at all material) all of the above facts and other matters connected with the issuing of all these notes, have heretofore been given in my annual report for the years 1862, 1863, 1864 and 1865. All of which is respectfully submitted.

PETERSON THWEATT,

Comptroller-General.

## CONFEDERATE RECORDS

## EXHIBIT A.

Being an extract from the Warrant Book in the Treasury, showing the warrants paid on different funds created by Acts of the Legislature authorizing the purchase of cotton.

WHEN DRAWN.		No.	WHEN PAID.	ON SOLDIERS CLOTHING FUND OF 1864	
1864					
Feb. 11	571		1864	Favor of (	
Feb. 19	590		Feb. 11	Favor L.	640.50
March 2	632		Feb. 19	Favor A.	500.000.00
March 9	640		March 9	Favor J.	100.000.00
March 31	678		March 31	Favor L.	120.000.00
April 1	682		April 1	Favor L. Waitzfelder, Agent, to pay for cotton purchased by the State,	200.000.00
May 11	861		April 1	Favor L. Waitzfelder, Agent, to pay for cotton purchased by the State,	30.000.00
June 18	979		May 11	Favor A. Wilbur, Agent, to pay for cotton purchased by the State,	100.000.00
June 18	980		June 18	Favor L. Waitzfelder, Agent, to pay for cotton purchased by the State,	32.000.00
					186.370.10
					1,269,010.60
1865			1865	ON FUNDS FOR EXPORTATION OF COTTON.	
Jan. 20	150		Jan. 20	L. Waitzfelder, Agent, for part of appropriation to purchase cotton for exportation,	700.000.00
May 7	200		May 7	L. Waitzfelder, Agent, for part of appropriation to purchase cotton for exportation,	200.000.00
May 22	480		May 22	L. Waitzfelder, Agent, for part of appropriation to purchase cotton for exportation,	250.000.00
					1,150,000.00
1866			1866	ON COTTON CARD APPROPRIATION.	
April 19	710		April 19	L. Waitzfelder, Agent, to purchase cotton for the State of Georgia,	400.000.00
June 1	933		June 1	L. Waitzfelder, Agent, to purchase cotton for the State of Georgia,	500.000.00
June 18	980		June 18	L. Waitzfelder, Agent, to purchase cotton for the State of Georgia,	100.000.00
					1,000,000.00
					3,419,010.60

TUESDAY, NOVEMBER 7th, 1865.

The following message was transmitted to the convention, to-wit:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 7th, 1865.

*Gentlemen of the Convention:*

I have just received the following telegram.

JAMES JOHNSON.

(Copy Telegram.)

WASHINGTON, November 5, 1865.

To JAS. JOHNSON,

Prov. Gov.:

The organization of a police force in the several counties for the purpose of arresting marauders, suppressing crime, and enforcing the civil authority, as indicated in your preamble and resolutions, meets with approbation. It is hoped that your people will, soon as practicable, take upon themselves the responsibility of enforcing and sustaining all laws, State and Federal, in conformity to the constitution of the United States.

(Signed)

ANDREW JOHNSON,  
President U. S.

THURSDAY, NOVEMBER 9th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 9th, 1865.

It is hereby ordered and directed, That Thomas P. Saffold, of Morgan, Charles S. Jourdan, of Jasper, and A. O. Lochrane, of Bibb, be, and they are hereby appointed the committee to investigate the matters and things specified in the resolution of the late convention.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 9th, 1865.

TO THE JUSTICES OF THE INFERIOR COURT OF  
MUSCOGEE COUNTY:

*Whereas*, a vacancy has occurred in the representation from the County of Muscogee in the Georgia State Convention, by the death of the Hon. Hines Holt; *And whereas*, it is the duty of the Governor in all such cases to issue his writ of election to fill such vacancy; Now, therefore, I, James Johnson, Provisional Governor of the State of Georgia, do issue this, my writ of election, requiring you, or a majority of you, after giving due legal notice, to cause an election to be held in manner and form as required by law to fill said vacancy.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

A copy of the above writ forwarded to the Justices of the Inferior Court of the County of Quitman to fill the vacancy occasioned by the death of the Hon. B. H. Rice.

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THURSDAY, NOVEMBER 9th, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 9th, 1865.

HON. HUGH McCULLOCH,

Secretary of the Treasury of the U. S.

SIR: At the request of the convention, I have the honor to transmit herewith a copy of a memorial and \*resolution passed by the convention, requesting a suspension of the tax on land until Congress shall assemble.

I do not know how much discretion the law allows you to exercise in such a case under such circumstances, but if it be within your power, I most respectfully and earnestly unite with the convention in asking of you the favor that the prayer of the memorialists be granted.

Yours, etc.,  
JAMES JOHNSON,  
Prov. Gov. of Ga.

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\*See Convention Journal, page 410.

TUESDAY, NOVEMBER 21, 1865.

*Proclamation.*

BY JAMES JOHNSON,  
Provisional Governor.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 21st, 1865.

*Whereas*, The late convention did ordain, That the Provisional Governor should provide for the formation of one or more militia or volunteer companies in each of the counties of the State to act as a police force to suppress violence, to preserve order and to aid the civil officers in the enforcement of the laws under such regulations as might be consistent with the laws of the United States,

Now, therefore, I, James Johnson, Provisional Governor of the State, do hereby authorize and request the people of this State to organize, according to law, in each of the counties of the State, a volunteer company for the purpose of aiding the civil authorities in the execution of law and the suppression of violence.

And it is hereby further declared, that such companies when so formed and organized, shall be auxiliary and subordinate to the civil officers that they shall arrest no person, and shall search the house of no person, without a legal warrant regularly issued by some magistrate having authority, and shall, in no case, inflict any punishment except by the judgment and direction of a duly qualified civil officer having jurisdiction of the offense.

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*And Whereas*, It is desirable to have uniformity in command, and that there should be no conflict between the military authorities of the State and the United States; it is further declared, that said companies, when formed within their respective counties, shall be under the control and subject to the orders of the military commanders of the United States commanding the district, and for a violation of these regulations, and for any other offence committed, shall be tried and punished according to the rules prescribed for the government of the army of the United States.

Given under my hand and the Seal of the Executive Department, at Milledgeville, on this, the 21st day of November, A. D., 1865.

JAMES JOHNSON,  
Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 21st, 1865.

It appearing from the certificate of Hon. Robert H. May, Mayor of the city of Augusta, that John C. Snead, Esqr., was duly elected Judge of the City Court of the city of Augusta at an election held by the city council of said city, it is hereby

*Ordered*, That in pursuance of an act approved 15th February, 1856, a commission in usual form do issue to him as Judge aforesaid, for the term prescribed by law.

JAMES JOHNSON,  
Prov. Gov. of Ga.



THURSDAY, NOVEMBER 23rd, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 23rd, 1865.

HENRY BRIGHAM,  
Savannah, Ga.

SIR: I am directed by His Excellency, the Provisional Governor, to enclose you a certified\* copy of a resolution passed by the late State Convention, disaffirming the sale of State cotton made to yourself, and to state that he is ready to return your notes, and to pay the expenses on the conditions named, whenever you make the assignment specified in the resolution.

Respectfully, Your Obt. Servt.,

L. H. BRISCOE, Secretary.

P. S.—I am instructed also to inclose the within "*form of assignment*," with a request that it be executed at your earliest convenience, and returned to this office, on receipt of which the notes and money will be forwarded as you may direct.

L. H. B.

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\*See Journal of Convention, page 432.

THURSDAY, NOVEMBER 23, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 23, 1865.

HON. HUGH McCULLOCH,  
Secretary of the Treasury,  
Washington, D. C.

SIR: I am directed by His Excellency, the Governor, to enclose herewith the \*copy of a resolution passed by the late Convention of this State, touching certain cotton captured by the Union army at Savannah and claimed by the State as its property.

Your attention is called in this connection to a communication of the Governor of the 16th of August, in which notice was given that the State might probably assert its claim to this cotton, and expressed a hope that until some action was taken by the Convention or Legislature, the claim of the State might not suffer prejudice.

Very respectfully, your obt. servt.,

L. H. BRISCOE, Secretary.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 24th, 1865.

*Ordered*, That John Johns, Jr., of the city of Rich-

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\*See Convention Journal, pages 143, 243, 432.

mond, State of Virginia, be, and is hereby, appointed Commissioner of Deeds for the State of Georgia to reside in the city and State aforesaid. And that commission do issue to him accordingly in usual form.

JAMES JOHNSON,

Prov. Gov. of Ga.

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THURSDAY, NOVEMBER 30, 1865.

(COPY)

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, November 30, 1865.

Twelve months after date the State of Georgia promises to pay Leonidas A. Jordan, or order, thirty-three thousand three hundred and thirty-three  $33/100$  dollars in gold coin of the United States for value received, with interest from date at seven per cent. per annum, payable in United States currency, and if so paid interest to be calculated and paid in kind on the amount of principal.

In witness whereof I have hereunto affixed my hand and Seal of the Executive Department the day and year above written.

JAMES JOHNSON,

Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 30, 1865.

Having borrowed of L. A. Jordan, for the use of the State, the sum of fifty thousand dollars in currency, it is

*Ordered*, That the same be deposited in the treasury of the State; said obligation to be placed on record.

Given under my hand and Seal the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

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THURSDAY, NOVEMBER 30, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 30th, 1865.

*Whereas*, Henry Brigham, of Savannah, having executed and delivered an assignment of all the cotton purchased of A. Wilbur, agent of the State, in compliance with the terms prescribed by the ordinance of the late Convention, it is hereby

*Ordered*, That the sum of two hundred dollars be paid him and that the Treasurer deliver to him, or his agent, the notes given for the payment of the purchase money.

Given under my hand and seal, this the 30th day of  
November, A. D., 1865.

JAMES JOHNSON,  
Prov. Gov. of Ga.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, November 30, 1865.

TO THE HONORABLE JUSTICES OF THE INFERIOR COURT  
OF THE COUNTY OF DEKALE:

*Whereas*, a vacancy has occurred in the representation of said county in the General Assembly of this State, to convene on the 4th day of December next, by the resignation of John McElroy, member-elect to the House of Representatives:

By virtue of the authority in me vested by the Constitution and laws of this State, I, James Johnson, Provisional Governor of Georgia, do hereby direct that you order and publish a day for holding an election in said county to supply said vacancy, giving twenty days notice of the same; and that the returns of said election be duly forwarded to this office.

Given under my hand and Seal of the Executive Department, at the Capitol in Milledgeville, the day and year aforesaid.

JAMES JOHNSON,  
Governor.

ernor,  
BRISCOE, Secretary.

MONDAY, DECEMBER 4, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 4, 1865.

*Proclamation.*

BY JAMES JOHNSON,  
Provisional Governor of Georgia.

*Whereas*, an election ordered and directed by the Convention to be holden for seven members to represent the State of Georgia in the House of Representatives of the Congress of the United States for two years from the 4th of March, A. D., 1865, was so held on the 15th of November, A. D., 1865; Now, therefore, I, James Johnson, Provisional Governor, having counted the votes by the returns made to this office, do declare that the Hon. Solomon Cohen received the largest vote in the First Congressional District; Hon. Phillip Cook in the Second; Hon. Hugh Buchanan in the Third; Hon. E. G. Cabiness in the Fourth; Hon. J. D. Mathews in the Fifth; Hon. J. H. Christy in the Sixth, and Hon. W. T. Wofford in the Seventh.

And I do further declare, that as at present advised, no certificates will be issued.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

TUESDAY, DECEMBER 5, 1865.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 5th, 1865.

TO THE HON. JUSTICES OF THE INFERIOR COURT OF  
THE COUNTY OF RANDOLPH:

*Whereas*, a vacancy has occurred in the representation of said county in the Georgia State Convention by the resignation of the Hon. L. C. Sales; *And whereas*, It is the duty of the Governor in all such cases to issue his writ of election to fill such vacancy,

Now therefore, I, James Johnson, Provisional Governor of the State of Georgia, do issue this my writ of election requiring you, or a majority of you, after giving due and legal notice, to cause an election to be held in manner and form as required by law to fill said vacancy.

Given under my hand and the Seal of the Executive Department the day and year above written.

JAMES JOHNSON,

Prov. Gov. of Ga.

By the Governor:

L. H. BRISCOE, Secretary.

TUESDAY, DECEMBER 5, 1865.

The following message from His Excellency, James Johnson, Provisional Governor of Georgia, was transmitted to the General Assembly, to-wit:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 5, 1865.

GENTLEMEN OF THE SENATE AND  
HOUSE OF REPRESENTATIVES:

Since you last assembled, great changes have taken place in our social and political condition, and upon you it is imposed the delicate and arduous task of adapting our laws and their administration to the wants and demands of society. To effect this purpose successfully, it will be readily suggested to you that it will not only be necessary that many of the existing statutes be repealed or modified, but that also many new provisions defining crimes and regulating the administration of law be introduced and adopted. In a communication of this character a specification of the proper alterations and amendments could not be expected.

In this connection I will, however, remark that from my experience at the bar, I do not hesitate to affirm that one of the most serious evils which has hitherto characterized the administration of civil and criminal justice has been the delay attending the trial of causes in the circuit courts. Hesitating plaintiffs and reluctant defendants, whether debtors or criminals, resort to stratagem and demand continuances as a matter of right, which



are usually allowed, or at least often allowed, upon a slight and trivial showing. The trial should be fair and impartial; but in human governments judgment against an evil deed should be speedily executed, "that the hearts of the children of men should not be set in them to do evil." The trial is had for the purpose of ascertaining the truth and the testimony of witnesses, though uncertain, fallible, and often false, is the best and only means given to us to arrive at it; and it will be borne in mind that the tendency of the age in all civilized governments is not to limit arbitrarily the range of examination, but to enlarge it, not to increase the class of persons made incompetent to testify by the rules of the common law, but to allow even parties to the cause to be heard; to submit the character and the credibility of the witnesses to the judgment and discretion of an enlightened court and jury, to be by them, under the rules and sanctions of law, considered and adjudged. The visitation of punishment on offenders should not only be speedy and certain, but it should be proportioned to the nature and character of the offence. It should be sufficiently severe to deter persons from its repetition, and of a nature to reform, if possible, the offender himself. Cruel and unusual punishments are condemned by our fundamental law, and refinement and civilization require that the human body should be neither marked or mutilated. Such penalties for crime should be prescribed and inflicted as will meet the approbation of the merciful and humane; such as will not, by their severity and barbarity cause enlightened juries to shrink from the duty of prompt conviction on testimony excluding reasonable doubt. Our financial condition and our deranged social relations require a new code. One which shall have incorporated in it the principles and maxims alluded to. Solitary con-

finement in the penitentiary is to be succeeded by penalties more adequate to the suppression of crime and more effectual in protecting society from danger.

I trust that in a few days I shall be able to lay before you a report from the Superintendent of the Western & Atlantic Railroad, showing the receipts and disbursements from the period it was turned over to the State to the present time; showing also the progress made in the construction of the bridges and all other material details therewith connected of general interest. The operations for the period of time stated, under the management and control of the Superintendent and subordinates will, it is believed, be highly satisfactory and will recommend the industry and fidelity of the officers to a general and unqualified approval. Appropriate qualifications for the successful management of a road transacting so large and so extensive a business, and the requisite capacity and attainments proper for the acceptable discharge of the functions of the executive office can seldom be found united in the person of any one individual. Moreover, the ordinary duties pertaining to each position are sufficiently numerous and onerous to require the undivided time and attention of any man to whose charge such a trust may be committed. For these reasons, and for a variety of others that will be readily suggested, I recommend that the control of the road be taken out of the hands of the executive, and be placed under the direction and management of a commissioner, whose duties shall be prescribed by law; that he shall be elected by the people of the State, as is the Governor; that he shall report directly to the Legislature, and shall be by them subject to removal for malfeasance in office.

Under the wasting and demoralizing influence of war,

our schools and colleges have fallen into decay, and our youth, for a few years past, have been called and transferred from the academy to be exercised and trained in the camp. But peace has returned, and with its return the late Convention, not unmindful of the obligations [the] government is under to provide for the education of the people, did ordain that the University of the State should be adequately endowed. In carrying the injunction liberally and generally into practice and operation, you will only follow the precepts and example of the enlightened and patriotic fathers of the republic. To the prompt discharge of this important duty, interest, honor and patriotism all unite to invite you. Located in a healthy region, surrounded by a virtuous and industrious population, and the citizens of the town and immediate vicinity, devoted to science and learning, the University of Georgia can and ought to be made more than ever the cherished object of the affections of her people.

The appropriations and donations which have heretofore been made, though mostly lost or consumed, have not been vain and fruitless expenditures. The bar, the bench and the pulpit have shared in the rewards of such liberality. Science and learning, through the agency of endowed professorships, can and will accomplish new and greater triumphs, and through your fostering care, secure to you, their patrons, a place in history as the benefactors of our race.

Discussion and experiment suggested that the Supreme Court should hold its sessions at the Capitol. The suggestion was adopted and carried into execution by the Convention. To complete the work of good policy, thus tardily begun, it is proper and expedient that the Capitol

itself should be here declared and considered permanently located.

Here it occupies a central and accessible position, in the midst of a section once fertile and passing beautiful. Man, impelled by avarice and prodigality, has partially destroyed and wasted the lavish gifts of nature, but through industry and a new social economy, these desolations may be repaired.

The public grounds should be enlarged, improved and ornamented; the halls of legislation ought to impress the spectator with the power of the State, and her courts of justice, with the majesty of the law. Annually improvements should be added to improvement, and ornament to ornament, until the name of the Capitol shall become a praise to the whole people.

On first of February, last, the Congress of the United States, by joint resolution, proposed to the Legislatures of the several States of the Union, an amendment to the Constitution of the United States declaring that hereafter neither slavery nor involuntary servitude, except for crime, should exist in the United States, or in any place subject to their jurisdiction; and that Congress should have power to enforce the proposed article by appropriate legislation. A copy of the proposed amendment is attached, and it is submitted to the consideration of the legislature with the hope and desire that it may be adopted and ratified. A very common objection is made to it on the ground that it may confer, by implication, on Congress the power of regulating generally the internal policy of the State. Such a construction is believed to be erroneous and unfounded and unwarranted, either by the language employed or the objects sought to be attained.

The Constitution of the United States confers, among other things, upon Congress, the power to regulate commerce with foreign nations and among the States; to declare war, to raise and support armies, and to provide for calling forth the militia. It is further provided, that Congress shall have power to make all laws which shall be necessary and proper to carry into execution these enumerated powers; but it has never been contended that because of such authority, Congress has [been] thereby invested with the right to abolish State courts, to prescribe the qualifications of jurors, or to declare who should exercise the right of suffrage. Moreover, this amendment is strictly cumulative, and it is not intended by it either to repeal or modify any of the existing provisions of the constitution; and therefore, it will still be for the several States to prescribe, each for itself, who shall be electors for the most numerous branch of their assemblies; and, as a consequence, who shall be qualified electors for members of Congress.

The Congress passing it, the different departments of the government, and most of the Legislatures of the several States ratifying it, construe the amendment to be nothing more or less than a declaration against involuntary servitude, conferring therewith on Congress the restricted power to carry such declaration into execution by necessary and proper laws. Such is the natural import of the language employed, and such doubtless will be the construction given it by the different departments of the government in all controversies that may hereafter arise. Under other circumstances, a proposition to ratify such an amendment would not be entertained by you. Although the "cannon's roar, and the trumpet's clangor are no longer heard," society still moves on in its resist-

less way, and it is necessary that we should accommodate our action to the inexorable demands of inevitable results that the permanent welfare of our people may be secured and our State restored to her former political rights and relations.

Georgia has, in good faith, abolished slavery. She could not revive it if she would; and the ratification of this amendment will make the people of the United States homogenous—will remove from among us the cause of bitterness and sectional strife, which has wasted our property and deluged our land in blood. Furthermore, by yielding to this requirement readily, we shall submit a most effectual argument tending to open the halls of the national legislature, and the strongest plea that could be addressed to the clemency and magnanimity of the government.

Pardon in me a personal illusion. In my official acts I have endeavored to avoid proscription on account of former differences of opinion, and have sought to relieve the people from pains, penalties and forfeitures legally imposed on condition that they be reconciled to the government.

In turn, let me entreat you to bring forward your prejudices and animosities and offer them a sacrifice on the altar of our common country, that we may once again present to mankind the spectacle—the pleasant, happy spectacle of “Brethren dwelling together in unity.”

JAMES JOHNSON,

Provisional Governor of Georgia.

WEDNESDAY, DECEMBER 6, 1865.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 6, 1865.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I herewith transmit a copy letter received from F. Starnes, one of the commission appointed by the Convention to prepare and report a code or system of laws.

I have deemed it proper to communicate the information therein contained, as it may have a material bearing on the action of your committees.

I also transmit to your respective branches the annual reports of the Comptroller-General, State Treasurer and Principal Keeper of the Penitentiary.

JAMES JOHNSON,  
Prov. Gov. of Ga.,

(COPY)

WASHINGTON, WILKES COUNTY, GA.,  
November 30th, 1865.

DEAR GOVERNOR: Four members of the Commission appointed by the Convention, for the purpose of reporting the draft of a system of laws, applicable to the changed circumstances of our condition, to the Legisla-

ture, at its approaching session, are at this place, and engaged at that work. We have not been idle, but shall not be able to report at the beginning of the session.

We are sensibly alive to the importance of having the result of our labors before the General Assembly at the earliest possible moment, but so important and extensive a work, should not be carelessly and hastily dealt with, and we are therefore anxious to present something that may be useful and well matured.

With the utmost diligence, we cannot get the manuscript in proper shape before the Legislature, or rather into your hands, before the 15th December. We will do it earlier if possible.

Very respectfully, your obedient servant,

E. STARNES.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 6, 1865.

HON. JOHN P. KING,

DEAR SIR: I have transmitted to you twenty bonds on the State for the purpose of negotiation, under the ordinance of the Convention.

They are each in the sum of five thousand dollars, and numbered from one to twenty, inclusive.

Yours, etc.,

JAMES JOHNSON,

Governor.



WEDNESDAY, DECEMBER 6, 1861

The following message was transmitted to the  
Assembly, to-wit:

EXECUTIVE

PROVISIONAL

MILLEDGEVILLE

TO THE SENATE AND HOUSE OF REPRESENTATIVES

I herewith transmit a copy of the report of  
Starnes, one of the commissioners of the  
Convention to prepare and report on the  
constitution to prepare and

I have deemed it proper to submit the  
report therein contained to the consideration of  
the action of your body.

I also transmit herewith the  
reports of the Commissioners of the  
Principal Key.

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TURDAY, DECEMBER 9, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 9, 1865.

THE CLERK OF THE SUPERIOR COURT OF  
UPSON COUNTY:

*Whereas*, at the November term of the Superior Court of said county, 1865, Jesse Owen was indicted and found guilty of the offence of furnishing a free person of color with spirituous liquors;

*And whereas*, a large and respectable petition is presented, which for good and satisfactory reasons ask a remission of his sentence, which was to pay a fine of fifty dollars and costs and be imprisoned in the common jail ten days.

*Ordered*, That the sentence aforesaid be, and the same is hereby, remitted with all the pains and penalties therein recited.

Witness my hand and Seal of the Executive Department, at the Capitol in Milledgeville, the day and year above mentioned.

JAMES JOHNSON,  
Prov. Gov. of Ga.

By the Governor:

L. H. BRISCOE, Secretary.

MONDAY, DECEMBER 11, 1865.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 11, 1865.

*Gentlemen of the Senate and House of Representatives:*

I herewith transmit a report \*from the Financial Committee, appointed under a resolution of the Convention.

Also the report of the Superintendent of the Western and Atlantic Railroad.

JAMES JOHNSON,  
Prov. Gov. of Ga.

\*[Inclosure No. 1.]

COMMITTEE ROOM,  
STATE FINANCE COMMITTEE,  
December 7, 1865.

*His Excellency* JAMES JOHNSON:

Provisional Governor of Georgia:

SIR: We have the honor to communicate that, under your appointment, in obedience to resolution of the late Convention, we have been continuously engaged in performing the duty devolved upon us, since the 21st ult.

The financial operations of the State for the last four years were many and various, and large sums of money have been received and disbursed. Many of the persons and papers necessary to a proper discharge of our duty are in remote and different sections of the State; and under the circumstances, we find it impossible to report at present to the Legislature, but hope to do so before its final adjournment.

Very respectfully,

(Signed)

THOS. P. SAFFOLD,  
Chairman.

\*[Inclosure No. 2.]

OFFICE SUPERINTENDENT,  
WESTERN & ATLANTIC R. R.,  
ATLANTA, GA., December 5, 1865.

*To His Excellency* JAMES JOHNSON,  
Governor of Georgia:

SIR: In compliance with the laws of this State, I herewith transmit to your Excellency a statement of the condition and operations of the Western & Atlantic Railroad, since the 25th day of September last, the day on which it was restored to the State of Georgia, and receipted for by me, under an order from Maj.-Gen'l. Geo. H. Thomas, commanding the Military Division of Tennessee, embracing the department of Georgia.

It would perhaps have been more satisfactory to have presented the operations of the road up to the first of

the present month; but the returns from the different agencies on the line could not be matured in time to embrace them in this report.

I have, therefore, given below the income and expenses of the road from the 25th of September to the first of November, embracing a period of thirty-six days.

Gross earnings -----	\$170,793.38
Expenses -----	50,074.51
<hr/>	
Net income -----	\$120,718.87

From the above statement it will be seen that the net earnings of the road have been \$120,718.87 for the first thirty-six days of its operations, subject to charges due the East Tennessee and Georgia Railroad for the use of six miles of road from the junction near Chickamauga Station to Chattanooga.

This portion of the State road was destroyed during the war, and was not rebuilt by the United States.

The road when received was in a destitute condition. The cars and engines had been used, many of them, as long as safety would admit; and were scattered, some in Virginia, South Carolina, and different portions of Georgia.

These cars and engines have been collected as far as possible, and others will be returned as soon as the railroads are completed, over which they will pass on their return to this place.

There were purchased for the use of this road from the United States, eight locomotive engines, about one hundred and forty box cars, and about forty-five flat cars; also three stationary engines for pumping water

and running the machinery in the car shop, purchased by the road from the United States, which was erected on the land belonging to the State at Chattanooga. Every shop belonging to the road having been destroyed, it was necessary to make the purchase to do the necessary repairs to keep up the rolling stock. In addition to the above, there was also purchased from the United States a large amount of railroad supplies and five tenement houses in Chattanooga in which to board and lodge employees of the road. These five houses cost the sum of \$1,040.00—are new and well suited for said purpose. As soon as the road was received proposals to rebuild Howe Truss bridges were issued and the same put under contract. Eight of the most important bridges were to be completed by the fifteenth of this month, and five others by the first of January next. The contractors have been delayed in the work for the want of mills of capacity to saw bridge lumber, but are using every energy to perform the work, and seem confident of their ability to have them up before the winter freshets begin.

It is hoped the earnings of the road will pay for building the bridges, but a large amount of iron will be required to replace that which is old and been burnt and crooked, and otherwise injured. And also iron sufficient to relay the road from the junction to Chattanooga, being a distance of eight miles, on which the iron has been torn up and removed by the United States military authorities. This will require an outlay of money, which should be borrowed, so as not to interfere with the finances of the road until the bridges are paid for.

The expenses of working the road will increase, in consequence of the large number of ties, and amount of wood now being put on the road, as will the increase in

the number of guards and watchmen to protect the property and merchandise shipped over the road, against a host of thieves and robbers, who infest the road its entire length.

In addition to this, I have been compelled to increase the wages of agents and employees, in consequence of the enhanced price of provisions and rent of houses.

By the act of Congress passed the 4th July, 1864, the internal revenue tax on the earnings of this road, as well as on cars, engines, water tanks, etc., will, if levied and collected, amount to seventy-five thousand dollars per annum.

I have given the subject much consideration, and have come to the conclusion that the Western & Atlantic Railroad being exclusively the property of the State, is not subject to taxation under said act.

I have therefore prepared an argument and submitted it to the Revenue Assessor, and also forwarded a copy of the same to the Commissioner of Internal Revenue, at Washington City, for consideration. And should the Commissioner determine to have the tax assessed and paid on the same, then it would be advisable that such action be taken as to protect the State against such action by testing the validity of the act, imposing and collecting such taxes.

In consequence of the want of means, I have not had the depots on the road rebuilt, except at Atlanta, the walls of which have been repaired and are now being covered, and will soon be ready for use.

I have also in process of erection at the same place a machine shop to repair engines, etc., the building of which is indispensable to the service of the road.

The culvert at Vining's Station, built at immense expense, was blown up and rendered unsafe by the Federal army, and is now being repaired at considerable cost.

Since my appointment to office I have used every effort to make the road self-sustaining as far as possible; and if it could have the use of two hundred thousand dollars for two years to purchase iron, it could pay the interest and discharge the debt at maturity.

Believing that the road can, within a few years, be made to relieve the citizens of this State of the great burden of taxation, I would respectfully recommend such policy be adopted as will, in the shortest possible time, place it in good condition, with an abundance of rolling stock, to enable it to discharge all the demands which may be made upon it.

The above report is most respectfully submitted to your consideration.

ROB'T. BAUGH,  
Superintendent.



TUESDAY, DECEMBER 12, 1865.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 12, 1865.

GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES:

I received this morning a telegram from His Excellency the President of the United States, a copy of which is herewith transmitted.

JAMES JOHNSON,

Prov. Gov. of Ga.

(Copy of Telegram).

WAR DEPARTMENT,

WASHINGTON, December 11, 1865.

J. JOHNSON,

Prov. Gov.:

The Governor-elect will be inaugurated, which will not interfere with you as Provisional Governor. You will receive instructions in a few days in regard to being relieved as Provisional Governor. Why can't you be elected as Senator? I would issue no commissions for members to Congress; leave that for the incoming Governor. We are under many obligations to you for the

noble, efficient and patriotic manner in which you have discharged the duties of Provisional Governor, and will be sustained by the government.

(Signed)

ANDREW JOHNSON,  
President U. S.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 12, 1865.

*It is ordered,* That Bushrod W. Frobel be, and he is hereby, appointed to keep the Capitol grounds and other State property at the seat of government in proper order.

Given under my hand and Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 12, 1865.

*It is ordered,* That Thomas R. Stewart be, and he is hereby, appointed Solicitor-General of the Pataula Circuit, to fill the unexpired term of C. B. Wooten, resigned, and that upon his qualification a commission do issue accordingly.

Given under my hand and the Seal of the Executive Department, the day and year above written.

JAMES JOHNSON,  
Prov. Gov. of Ga.

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WEDNESDAY, DECEMBER 13, 1865.

EXECUTIVE OFFICE,  
PROVISIONAL GOV'T. OF GA.,  
MILLEDGEVILLE, December 13, 1865.

HIS EXCELLENCY C. J. JENKINS:

DEAR SIR: After you shall have been inaugurated, though I may continue Provisional Governor, in my judgment the functions of the executive office as prescribed by the Constitution and laws of the State will be rightfully and appropriately exercised by you.

I shall follow the precedent recently set in South Carolina, in a similar case, and unless otherwise instructed, will communicate with the Legislature, if hereafter I should have occasion to do so, through you as the Executive of the State.

His Excellency, the President, like yourself, is anxious to avoid all cause of conflict, and to have the State of Georgia restored to her civil, political rights and relations.

I trust therefore, that with this assurance, you will

not hesitate to permit yourself to be inaugurated at as early a day as convenient.

Appreciating the reasons and motives which prompted your note to me, I remain, dear sir,

Your obedient servant,

JAMES JOHNSON,

Prov. Gov. of Ga.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 13, 1865.

The following joint resolution was approved and signed by the Governor, to-wit:

No. 1. A resolution in reference to the adoption of 13th clause of the Constitution of the United States.

No. 2. A resolution appointing a committee to make arrangements for the inauguration of the Governor-elect.

EXECUTIVE OFFICE,

PROVISIONAL GOV'T. OF GA.,

MILLEDGEVILLE, December 14, 1865.

The Honorable C. J. Jenkins, having resigned his commission of Judge of the Supreme Court, it is hereby declared that his said office is now vacant.

Given under my hand and the Seal of the Executive Department, the day and year above mentioned.

JAMES JOHNSON,

Prov. Gov. of Ga.



**JOURNAL OF THE PROCEEDINGS**

**OF THE**

**CONVENTION OF THE PEOPLE**

**OF**

**GEORGIA**

**HELD IN MILLEDGEVILLE**

**IN**

**OCTOBER AND NOVEMBER 1865**

**TOGETHER WITH THE**

**ORDINANCES AND RESOLUTIONS ADOPTED**

**PUBLISHED BY ORDER OF THE CONVENTION.**



(From State Archives)

JOURNAL OF THE CONVENTION,  
HELD AT MILLEDGEVILLE.

MILLEDGEVILLE, GEORGIA,

Wednesday, October 25, 1865.

In accordance with a proclamation issued by His Excellency, James Johnson, Provisional Governor of Georgia, a Convention of the State of Georgia assembled this day in the Hall of the House of Representatives, at 12 o'clock M. His Excellency, Provisional Governor James Johnson, in the chair, and L. H. Briscoe and L. Carrington, acting as Secretaries, when the following delegates answered to their names, and presented their certificates of election, to-wit:

From the County of:

Appling—Daniel G. Hopps, Frederick Douglass.

Baker—W. D. Williams, Isaac H. Hand.

Baldwin—A. H. Kenan, B. B. de Graffenried.

Banks—William Turk, J. L. Gordon.

Bartow—J. R. Parrott, J. R. Wikle, Nathan Howard.

Berrien—Thos. Paulk.

Bibb—Geo. M. Logan, T. G. Holt, C. B. Cole.

Brooks—Wm. H. Sharpe, Wm. Hudson.

Bryan—H. E. Smith, F. S. Williams.

Bulloch—R. McCroan, S. J. Brewton.

Burke—E. F. Lawson, M. D. Jones, R. T. Jones.

Butts—Jno. L. Barnett, L. D. Watson.



- Camden—D. C. Scarlett.  
Campbell—W. A. Turner, S. G. Johnson.  
Calhoun—George W. Colley, Henry Hays.  
Carroll—E. B. Martin, W. W. Merrell.  
Catoosa—Edward Fowler, Wm. Henry.  
Charlton—Jas. C. Smith, Jno. M. Mattox.  
Chatham—Edward C. Anderson, Solomon Cohen,  
Thos. E. Lloyd.  
Cherokee—J. O. Dowda, J. E. Covington.  
Coweta—W. W. Thomas, W. F. Wright.  
Columbia—Jas. S. Jones, C. H. Shockley, V. M.  
Barnes.  
Colquitt—D. E. Watkins, F. Clark.  
Coffee—Matt. Ashley, R. Pafford.  
Clinch—Jno. C. Nichols, Jno. C. Kirkland.  
Clay—R. A. Turnipseed, A. J. Womack.  
Clayton—A. L. Huie, Jno. C. Ellington.  
Cobb—David Irwin, A. J. Hansell, W. D. Anderson.  
Crawford—Thos. J. Simmons, Aurelius W. Gibson.  
Clark—Jno. H. Christy, Jno. C. Johnson, Y. L. G.  
Harris.  
Chattahoochee—William Bagley, Duncan H. Burts.  
Chattooga—J. O. Scott. (Tie.)  
Dade—Jas. W. Cureton, E. D. Graham.  
Dawson—Daniel P. Moore, A. J. Logan.  
Decatur—H. G. Crawford, H. W. Herring, J. Law.  
DeKalb—Milton A. Candler, Henry P. Wooten.  
Dooly—F. K. Lewis, William Roberts.  
Dougherty—G. J. Wright, Henry Morgan.  
Early—Bowling H. Robinson, Joel W. Perry.  
Echols—A. C. Martin.  
Effingham—Jno. G. Morel, Morgan Rawls.  
Elbert—James S. Lamar, Wm. H. Adams.  
Emanuel—Neil McLeod, Henry G. Wright.

- Fannin—John B. Dickey, Jno. M. Powell.  
Fayette—John Huie, P. H. Brassell.  
Floyd—R. H. Moore, Thos. J. Davis, R. D. Harvey.  
Forsyth—Stephen Clement, W. H. Bell.  
Franklin—Jno. M. Freeman, Nathan Gunnels.  
Fulton—N. J. Hammond, Jared Irwin Whitaker,  
G. W. Adair.  
Gilmer—C. A. Ellington, B. B. Quillian.  
Glascocock—Jno. Neal, E. G. Scruggs.  
Glynn—  
Greene—Y. P. King, M. W. Lewis, N. M. Crawford.  
Gordon—G. M. Thompson, Jas. Rodgers, J. M.  
Harlan.  
Gwinnett—J. W. Baxter, J. P. Simmons, R. D. Winn.  
Habersham—Wm. Grant, Philip Martin.  
Hall—J. N. Dorsey, Davis Wheelchel, S. C. Fraser.  
Hancock—B. T. Harris, S. J. Lawrence.  
Haralson—Jas. H. H. Williams, Fletcher Thompson.  
Harris—E. C. Hood, A. W. Redding, H. D. Williams.  
Hart—Wm. Bowers, James Allen.  
Heard—Berry D. Johnson, Wm. M. K. Watts.  
Henry—Charles T. Zachary, Jno. Hail, E. B. Arnold.  
Houston—Eli Warren, Jno. M. Giles, C. T. Goode.  
Irwin—Jacob Young, Jno. B. Dorminy.  
Jackson—W. S. Thompson, J. B. S. Davis, W. L.  
Marler.  
Jasper—Henry S. Glover, Wm. F. Jordan.  
Jefferson—H. V. Johnson, Geo. Stapleton.  
Johnson—Jeremiah Parker, Noah Tison.  
Jones—Jas. H. Blount, C. H. Ridley.  
Laurens—Nathan Tucker, Robt. Robinson.  
Lee—Geo. Kimbrough, Wm. Newsom.  
Liberty—Jno. B. Mallard, H. F. Horne.

- Lincoln—Jas W. Barksdale, Jno. Dunn.  
Lowndes—W. R. Manning, P. C. Pendleton.  
Lumpkin—Wier Boyd, H. W. Riley.  
Macon—Phil Cook, L. M. Felton.  
Madison—Gabriel Nash, D. J. Chandler.  
Marion—G. W. McDuffie, M. L. Bivins.  
McIntosh—J. R. Middleton, A. Lafils.  
Meriwether—O. Warner, J. L. Dixon, F. M. Brantley.  
Miller—Isaac Bush, Isaac E. Bower.  
Milton—O. F. Skelton, Wm. Rogers.  
Mitchell—Israel Maples, Jno. A. McGregor.  
Monroe—E. G. Cabiness, Jno. Shannon, W. R. Murphy.  
Montgomery—Jno. McRae, Jno A. Morris.  
Morgan—Joshua Hill, Thos. P. Saffold.  
Murray—Wm. Luffman, B. F. Parker.  
Muscogee—Hines Holt, A. H. Chappell.  
Newton—Jno. J. Floyd, P. Reynolds.  
Oglethorpe—W. Willingham, W. B. Brightwell, J. D. Matthews.  
Paulding—S. L. Strickland, Jas. H. Weaver.  
Pickens—Silome Goode, R. B. McCutchen.  
Pierce—C. H. Hopkins, G. M. T. Ware.  
Pike—W. D. Alexander, Giles Driver.  
Polk—Joseph A. Blance, Joel Brewer.  
Pulaski—Norman McDuffie, J. L. Warren.  
Putnam—D. R. Adams, R. C. Humber.  
Quitman—Jos. T. Turner.  
Rabun—G. J. King, D. M. Singleton.  
Randolph—Morgan Calaway, L. C. Sale.  
Richmond—C. J. Jenkins, Jno. P. King, A. C. Walker.  
Schley—C. B. Hudson, J. C. Lasseter.  
Screven—Geo. R. Black.

- Spalding—D. H. Johnson, L. T. Doyal.  
Stewart—J. L. Wimberly, M. Gillis, E. F. Kirksey.  
Sumter—A. S. Cutts, W. W. Barlow, Wright Brady.  
Talbot—Wm. T. Holmes, Z. B. Trice, M. Bethune.  
Taliaferro—  
Tattnall—Alex. W. Daley, Wm. H. Edwards, Jr.  
Taylor—Alex. H. Riley, L. Q. C. McCrary.  
Terrell—C. W. Wooten, D. A. Lochran.  
Telfair—A. J. Cameron, Duncan McRae.  
Thomas—Jas. L. Seward, Jno. R. Alexander, A. T. McIntyre.  
Towns—Jno. D. Howard, Jno. P. Kelley.  
Troup—R. A. T. Ridley, N. S. Atkinson, Jno. S. Hill.  
Twiggs—Ira E. Dupree.  
Union—Jno. H. Penland, Jno. England.  
Upson—Joel Matthews, O. C. Sharman.  
Walker—T. E. Batton, L. Black, T. Y. Park.  
Walton—H. D. McDaniel, J. W. Arnold, J. B. Sorrels.  
Ware—B. F. Williams, Nathan Brewton.  
Warren—Jos. M. Roberts, N. C. Bacon.  
Washington—J. S. Hook, L. C. Matthews, D. E. Cumming.  
Wayne—J. D. Rumph, Jas. Highsmith.  
Webster—Sampson Bell, Chas. R. Moore.  
White—Francis Logan, A. F. Underwood.  
Wilcox—Darling Johnson, Stephen Bowen.  
Wilkes—Wm. Reese, G. G. Norman.  
Wilkinson—Rufus J. Cochran, Jas. T. Hudson.  
Whitfield—J. F. B. Jackson, J. M. Richardson, D. Taliaferro.  
Worth—Wm. A. Harris, Jas. M. Rouse.

His Excellency, Provisional Governor James Johnson, called the convention to order.

After administering the amnesty oath by Hon. Iver-son L. Harris, Judge of the Ocmulgee Circuit, Mr. Harris, of Worth County, nominated Hon. C. J. Jenkins, a delegate from the County of Richmond, for the office of permanent President of the convention.

Hon. C. J. Jenkins declined, and nominated Hon. H. V. Johnson, a delegate from the County of Jefferson.

Whereupon Mr. Harris withdrew the name of Hon. C. J. Jenkins.

Mr. Nichols, of Clinch, moved that a committee be appointed from the several Congressional districts, who should name permanent officers for this Convention, which motion was ruled out of order.

Mr. Harris, of Worth, moved to elect Hon. H. V. Johnson by acclamation, which being objected to by Hon. A. H. Chappell, of Muscogee, the motion was withdrawn.

On motion of Hon. A. H. Kenan, of Baldwin, the convention then proceeded to elect a permanent President, *viva voce*.

Upon receiving and counting the votes, Hon. H. V. Johnson received 245 votes, and Hon. C. J. Jenkins (no candidate) received 27 votes.

Hon. H. V. Johnson having received a majority of all the votes, was declared duly elected permanent President of the convention.

Whereupon His Excellency, Provisional Governor James Johnson, vacated the chair, and the President elect occupied the same.

The convention then proceeded to the election of a Secretary, and on the second ballot, J. D. Waddell of the

county of Polk, having received a majority of all the votes cast, was declared duly elected Secretary of the convention, and he was duly qualified accordingly.

On motion of Mr. Harris, of Worth, Jesse Oslin, of the County of Cobb was, by acclamation, declared messenger of the convention and in the same manner W. H. Roberts, of the County of Baldwin, was declared door-keeper.

Leave of absence for one day was granted Mr. Redding, delegate from Harris.

Mr. Jenkins, of Richmond, offered a resolution instructing the President to appoint a Committee of Sixteen, consisting of one from each Judicial Circuit in the State, to report business for this convention.

Adopted.

On motion of Mr. Mallard, of the County of Liberty, Newton, a Committee of Three, consisting of Messrs. Floyd, Hansell and Chappell, was appointed to wait on His Excellency, Governor Johnson, and inform him that this convention is now organized and ready to proceed to business, and to know if His Excellency has any communication to make to this convention.

On motion of Mr. Mallard, of the County of Liberty, Messrs. Mallard, Cabiness and Cole were appointed a committee to secure the services of the reverend clergy to open the sessions of this convention with prayer.

Mr. Barnes, of the County of Columbia, moved to tender seats upon the floor of the hall to editors and reporters.

Adopted.

Messrs. Floyd, Hansell and Chappell, through their chairman, reported that His Excellency, Governor Johnson, would communicate at once with the convention.

The following message was received from His Excellency, Governor Johnson:

(See page 38.)

It was read, and 500 copies ordered to be printed for the use of the convention.

Mr. A. J. Hansell moved that the messenger be authorized to employ an assistant in the discharge of his duties.

Pending which the convention adjourned until 9:30 o'clock a. m., tomorrow.

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THURSDAY MORNING, 9:30 O'CLOCK,  
OCTOBER 26, 1865.

The convention met pursuant to adjournment, and after prayer by the Rev. Dr. Crawford, a delegate from the County of Greene, there being a quorum present, the journal of yesterday was read.

The following delegates appeared and were duly qualified:

Muscogee Hon. Wiley Williams.  
Etchols Hon. L. Roberts.  
Berrien Hon. J. D. Knight.

Cherokee—Hon. W. B. C. Puckett.

Newton—Hon. J. A. Stewart.

Coweta—Hon. Ira E. Smith.

Glynn—Hon. Urbanus Dart.

Taliaferro—Hons. J. A. Stephens and Singleton Harris.

Hancock—Hon. C. W. DuBose.

Mr. Kenan introduced the following ordinance, which was read:

#### AN ORDINANCE

To request and authorize the Provisional Governor of Georgia, to borrow on the credit of this State, a sufficient sum of money to pay what may be due on the civil list, and what may become due thereon, until by the collection of taxes the State may dispense with loans, and to extend the power to the Governor to be elected by the people in a certain contingency:

*The people of Georgia, by their delegates in convention assembled do hereby declare and ordain, That the Provisional Governor of this State, be and he is hereby respectfully requested and authorized, upon the faith and credit of the State of Georgia, to negotiate a loan or loans of money, or United States currency, sufficient in amount to pay whatever is due on the civil list of the political year 1865, as also to pay whatever may become due on the civil list for the political year 1866, inclusive of appropriations for the support of the Lunatic Asylum, and other government purposes, until the State of Georgia, by the collection of taxes, to be imposed hereafter by the Legislature, and other resources of the State, shall be*



enabled without embarrassment to dispense with a resort to temporary loans, the money so borrowed to be deposited in the treasury and to be paid out by executive warrant as is provided by existing laws.

*And be it further ordained by authority aforesaid,* That should the Provisional Governor, from any cause, fail to make a sufficient loan or loans to effectuate the intention of this ordinance, that then the Governor to be elected by the people as his successor to all the executive powers of the State Government, be, and he is hereby, empowered to make from time to time, such loan or loans for the service of the State of Georgia, as is herein contemplated.

Mr. Kenan gave notice tht he would call up this ordinance for final action on Saturday or Monday next.

The President announced the following Committee of Sixteen, to report business for the action of this Convention:

Middle Circuit—C. J. Jenkins.  
Blue Ridge Circuit—David Irwin.  
Brunswick Circuit—J. C. Nichols.  
Chattahoochee Circuit—A. H. Chappell.  
Cherokee Circuit—J. F. B. Jackson.  
Coweta Circuit—R. A. T. Ridley.  
Flint Circuit—E. G. Cabiness.  
Macon Circuit—C. B. Cole.  
Northern Circuit—Wm. M. Reese.  
Ocmulgee Circuit—A. H. Kenan.  
Pataula Circuit—J. L. Wimberly.  
Southern Circuit—J. L. Seward.  
Southwestern Circuit—Henry Morgan.  
Tallapoosa District—W. F. Wright.

Eastern Circuit—T. C. Lloyd.

Western Circuit—J. P. Simmons.

Hon. Mr. Jenkins, Chairman of said committee, asked leave of absence for the committee, that they might prepare business for the action of the convention, which was granted.

Mr. Hopkins offered the following resolution, which was read and adopted:

*Whereas*, His Excellency, the Provisional Governor, declares in his message that the cotton which had been previously purchased by the State, has either been captured or consumed by fire; and that all the assets the State held abroad had been drawn against to the full extent of their value; be it therefore

*Resolved*, That His Excellency, the Governor, be requested to inform the convention where and at what time the cotton was captured or burned, the number of bales lost and their probable value; also the amount of assets held abroad; to whose credit they were held; by whom they were drawn, and what disposition was made of them.

Mr. Wright, of Coweta, offered the following resolution:

*Resolved*, That the rules of the last House of Representatives, (1863 and 1864); as far as applicable, be adopted for the government of this convention and 500 copies be printed for the use of the convention.

Mr. Hansell, of Cobb, moved the following as a substitute, which was adopted:

*Resolved*, That the rules of the convention of 1861,

be adopted for the government of the deliberations of this convention, and that 500 copies be printed for the use of delegates.

On motion of Mr. Redding, of Harris, Orme & Son, were by acclamation, appointed printers for this convention.

Mr. Anderson, of Chatham, introduced the following resolution, which was read:

*Resolved*, That a committee of five be appointed by the chair, to memorialize the President of the United States, in behalf of Jefferson Davis, and Alexander H. Stephens, and of James A. Seddon, of Virginia; A. G. McGrath, of South Carolina, Allison and David L. Yulee, of Florida, and H. W. Mercer, of Georgia, now confined as prisoners in Fort Pulaski, at the mouth of Savannah River.

Mr. Hill, of Morgan, moved an indefinite postponement, which was lost.

Mr. Reynolds, of Newton, moved to postpone for the present. Lost.

The resolution was on motion, amended, so as to include all prisoners.

Mr. Cochran, of Wilkinson, moved the previous question, which was sustained, and the resolution as amended was adopted.

Mr. Hammond, of Fulton, introduced a resolution that 500 copies of the Annual Report of the Comptroller-General, made to the Governor, on the 16th inst., be printed for the use of the Convention. Adopted.

Mr. Riley, of Taylor, offered a resolution, that the

secretary call the counties in alphabetical order, and on the call of each county, the members thereof, shall immediately select their seats.

Mr. Reynolds, of Newton, moved to amend by putting the names of counties in a hat, and one delegate from each county, to draw and select seats for the delegation from his county.

On motion of Mr. Hook, the resolution and amendment were postponed until this afternoon.

Mr. Jenkins, chairman of the Committee of Sixteen, reported the following ordinance and moved its adoption, which was unanimously agreed to.

#### AN ORDINANCE

To repeal certain ordinances and resolutions therein mentioned, heretofore passed by the people of the State of Georgia in Convention.

*We, the People of the State of Georgia in convention at our seat of government, do declare and ordain, That an ordinance adopted by the same people, in Convention, on the nineteenth day of January, A. D. eighteen hundred and sixty-one, entitled "An ordinance to dissolve the union between the State of Georgia and other States united with her under a compact of government entitled 'the Constitution of the United States of America;'" also an ordinance, adopted by the same on the sixteenth day of March in the year last aforesaid, entitled "An ordinance to adopt and ratify the Constitution of the Confederate States of America;" and also all ordinances and resolutions of the same, adopted between the sixteenth*

day of January and the twenty-fourth day of March, in the year aforesaid, subversive of, or antagonistic to the civil and military authority of the government of the United States of America, under the Constitution thereof, be, and the same are hereby repealed.

Mr. Hill, of Morgan, gave notice that he would move its reconsideration on tomorrow morning.

Mr. Jenkins, chairman of the Committee of Sixteen, reported the following ordinance, and moved its adoption:

#### AN ORDINANCE

To establish Congressional Districts, and to provide for certain elections.

*The people of Georgia in convention assembled, do ordain,* That conforming to the last apportionment of members of the House of Representatives of the United States Congress, there shall be in the State of Georgia seven Congressional Districts, constituted as follows, until changed by Act of the General Assembly, viz.:

The first district shall include the counties of Chatham, Bryan, Liberty, McIntosh, Wayne, Glynn, Camden, Charlton, Ware, Pierce, Appling, Tattnall, Bulloch, Effingham, Screven, Emanuel, Montgomery, Telfair, Coffee, Clinch, Echols, Lowndes, Berrien, Irwin, Laurens, Johnson, Brooks, Colquitt and Thomas.

The second district shall include the counties of Decatur, Early, Miller, Baker, Mitchell, Worth, Dooly, Wilcox, Pulaski, Houston, Macon, Marion, Chattahoochee, Sumter, Webster, Stewart, Quitman, Clay, Calhoun, Randolph, Terrell, Lee and Dougherty.

The third district shall include the counties of Muscogee, Schley, Taylor, Talbot, Harris, Troup, Meriwether, Heard, Coweta, Fayette, Clayton, Carroll, Campbell, Haralson and Paulding.

The fourth district shall include the counties of Upson, Pike, Spalding, Henry, Newton, Butts, Monroe, Crawford, Bibb, Twiggs, Wilkinson, Baldwin, Jones, Jasper and Putnam.

The fifth district shall include the counties of Washington, Jefferson, Burke, Richmond, Glascock, Hancock, Warrenton, Columbia, Lincoln, Wilkes, Taliaferro, Greene, Morgan, Oglethorpe and Elbert.

The sixth district shall include the counties of Milton, Gwinnett, Walton, Clark, Jackson, Madison, Hart, Franklin, Banks, Hall, Forsyth, Pickens, Dawson, Lumpkin, White, Habersham, Rabun, Towns, Union, Fannin and Gilmer.

The seventh district shall include the counties of DeKalb, Fulton, Cobb, Polk, Floyd, Bartow, Cherokee, Gordon, Chattooga, Walker, Whitfield, Murray, Catoosa and Dade.

SEC. 2. There shall be held on the fifteenth day of November next, a general election in the several counties, and election districts of this State for Governor, Senators (by Senatorial Districts) and Representatives (by counties) to the General Assembly, in conformity to the Constitution, which this convention may adopt, and of members of the House of Representatives of the United States Congress, by districts as hereinbefore arranged, one member for each district.

SEC. 3. The election herein ordered, shall be con-

ducted and returns thereof made, as is now by the Code of Georgia provided.

SEC. 4. *And the convention do further ordain, That the election for Mayor and Aldermen of the City of Savannah, shall be held on the first Wednesday in December, in the present year, and that at such election all laws appertaining thereto shall be in force, except the law requiring the registry of voters.*

Mr. Parrott, of Bartow, moved its postponement until tomorrow morning, and that three hundred copies be printed for the use of the convention, which was lost.

Mr. Parrott then moved to strike out the "15th of November," and insert the "1st Wednesday in December."

On motion of Mr. Stapleton, the question was divided, and the motion to strike out was lost.

Mr. Kenan, of Baldwin, moved to reconsider the vote by which the motion to strike out was lost; and upon the motion to reconsider, Mr. Parrott, of Bartow, called for the yeas and nays.

There are yeas 79; there are nays 182.

Those who voted in the affirmative are Messrs.:

Alexander of Pike,	Boyd,
Barnes,	Burts,
Barnett,	Bush,
Bethune,	Callaway,
Bivins,	Christy,
Black of Screven,	Clark,
Black of Walker,	Clements,
Bower,	Cureton,

Dickey,	McDuffie of Marion,
Dixon,	Merrill,
Dorsey,	Pafford,
Douglass,	Parrott,
Doyal,	Parker of Murray,
Dowda,	Park,
Dupree,	Patton,
Ellington of Clayton,	Penland,
Ellington of Gilmer,	Powell,
England,	Puckett,
Freeman,	Quillian,
Fraser,	Riley of Taylor,
Gunnels,	Riley of Lumpkin,
Goode of Pickens,	Saffold,
Glover,	Scott,
Hill of Morgan,	Sharpe,
Hopkins,	Singleton,
Howard of Cass,	Strickland,
Hansell,	Taliaferro,
Harris of Clark,	Thomas of Gordon,
Harlan,	Turk,
Johnson of Campbell,	Turner of Quitman.
Kirksey,	Turnipseed,
Kenan,	Underwood,
King of Richmond,	Warren of Houston,
Logan of Dawson,	Warner,
Middleton,	Watts,
Monroe,	Watson,
Manning,	Weaver,
Marler,	Williams of Ware,
McCutchen,	Willingham,



# CONFEDERATE RECORDS

who voted in the negative are Messrs.:

Elbert,	Cook,
Putnam,	Crawford of Decatur,
	Crawford of Greene,
	Cumming,
of Thomas,	Cutts,
of Chatham,	Davis of Floyd,
of Cobb,	Davis of Jackson,
Henry,	Dailey,
Walton,	DeGraffenreid,
	Dorminy,
of Troup,	Dunn,
	Edwards,
	Fowler,
	Felton,
	Floyd,
	Grant,
orsyth,	Gordon,
Webster,	Gillis,
	Gibson,
	Giles,
	Goods of Houston,
	Henry,
	Herring,
	Horne,
of Bulloch,	Hill of Troup,
ll,	Holt of Bibb,
	Humber,
	Hudson of Schley,
	Hudson of Brooks,
	Hudson of Wilkinson,
of Terrell,	Holmes,
of Wilkinson,	Harris of Taliaferro,
	Harris of Hancock,
	Hook,
	Highsmith,

Hammond,  
Howard of Towns,  
Hopps,  
Hand,  
Hays,  
Huie of Clayton,  
Huie of Fayette,  
Harvey,  
Hood,  
Hail,  
Irwin,  
Jackson,  
Jenkins,  
Johnson of Clark,  
Johnson of Heard,  
Johnson of Spalding,  
Johnson of Wilcox,  
Jones of Columbia,  
Jones, M. D. of Burke,  
Jones, R. T. of Burke,  
Jordan,  
Kelley,  
King of Greene,  
King of Rabun,  
Kimbrow,  
Knight,  
McLeod,  
Moore of Floyd,  
Moore of Webster,  
Morel,  
Morgan,  
Murphy  
Mallard,  
Maples,  
Martin of Carroll,  
Martin of Echols,  
Martin of Habersham,

Matthews of Upson,  
Matthews of Washington,  
Mattox,  
McCroan,  
McCrary,  
McDaniel,  
McDuffie of Pulaski,  
McGregor,  
McIntyre,  
McRae of Telfair,  
Nash,  
Neal,  
Newsom,  
Nichols,  
Norman,  
Parker of Johnson,  
Paulk,  
Pendleton,  
Perry,  
Rawls,  
Redding,  
Reese.  
Reynolds,  
Richardson,  
Ridley of Troup,  
Ridley of Jones,  
Robert's of Dooly,  
Roberts of Warren,  
Robinson of Early,  
Robinson of Laurens,  
Rogers of Gordon,  
Rouse,  
Rumph,  
Sale,  
Scruggs,  
Seward,  
Scarlett,

Shannon,	Watkins,
Sharman,	Ware,
Simmons of Gwinnett,	Whitaker,
Simmons of Crawford,	Whelchel,
Skelton,	Winn,
Smith of Bryan,	Williams of Baker,
Smith of Coweta,	Williams of Bryan,
Sorrels,	Williams of Muscogee,
Stapleton,	Williams of Haralson,
Stephens of Taliaferro,	Williams of Harris,
Stewart,	Wimberly,
Thompson of Jackson,	Womack,
Thompson of Haralson,	Wootten of DeKalb,
Thomas,	Wooten of Terrell,
Tison,	Wright of Coweta,
Trice,	Wright of Dougherty,
Turner of Campbell,	Wright of Emanuel,
Walker of Carroll,	Young,
Walker of Richmond,	Zachery.
Warren of Pulaski,	

So the motion to reconsider was lost.

Mr. Hansell moved that the Messenger be authorized to appoint an assistant.

Agreed to.

The Convention then took recess till 3:30 P. M.

3:30 O'CLOCK, P. M.

The Convention re-assembled at the hour appointed.

The rule having been suspended, Mr. Black of Screven, called up the resolution relative to selecting seats of members, and the amendment of Mr. Reynolds having been adopted, some time was occupied in drawing seats.

Mr. E. N. Atkinson, delegate elect from Camden, appeared and was duly qualified.

Mr. Parrott, of Bartow, moved to increase the Committee of Sixteen by the addition of other delegates. Lost.

Mr. Hill moved to adjourn. Lost.

The consideration of the ordinance to establish Congressional Districts and to provide for certain elections, was resumed, when Mr. Dupree, of Twiggs, moved a postponement, which was lost.

Mr. Hill, of Morgan, proposed the following amendment:

“An election shall be held at the several precincts in this State, on the 15th day of November next, for a Governor, members of the Legislature and seven members of Congress, according to the rules and regulations provided by the Code of 1860, except that there shall be chosen only forty-four Senators, by districts composed as follows, to-wit:

DISTRICT No.

1. The counties of Chatham, Bryan and Effingham.
2. Liberty, Tatnall and McIntosh.
3. Wayne, Pierce and Appling.
4. Glynn, Camden and Charlton.
5. Coffee, Ware and Clinch.
6. Echols, Lowndes and Berrien.
7. Brooks, Thomas and Colquitt.
8. Decatur, Mitchell and Miller.
9. Early, Calhoun and Baker.
10. Dougherty, Lee and Worth.

11. Clay, Randolph and Terrell.
12. Stewart, Webster and Quitman.
13. Sumter, Schley and Macon.
14. Dooly, Wilcox and Pulaski.
15. Montgomery, Telfair and Irwin.
16. Laurens, Johnson and Emanuel.
17. Bulloch, Screven and Burke.
18. Richmond, Glascock and Jefferson.
19. Taliaferro, Warren and Greene.
20. Baldwin, Hancock and Washington.
21. Twiggs, Wilkinson and Jones.
22. Bibb, Monroe and Pike.
23. Houston, Crawford and Taylor.
24. Marion, Chattahoochee and Muscogee.
25. Harris, Upson and Talbot.
26. Spalding, Butts and Fayette.
27. Newton, Walton and Clarke.
28. Jasper, Putnam and Morgan.
29. Wilkes, Lincoln and Columbia.
30. Oglethorpe, Madison and Elbert.
31. Hart, Franklin and Habersham.
32. White, Lumpkin and Dawson.
33. Hall, Banks and Jackson.
34. Gwinnett, DeKalb and Henry.
35. Clayton, Fulton and Cobb.
36. Meriwether, Coweta and Campbell.
37. Troup, Heard and Carroll.
38. Haralson, Polk and Paulding.
39. Cherokee, Milton and Forsyth.
40. Union, Towns and Rabun.
41. Fannin, Gilmer and Pickens.

42. Cass, Floyd and Chattooga.
43. Murray, Whitfield and Gordon.
44. Walker, Dade and Catoosa.

And one representative only for each county, except the counties of Bartow, Bibb, Burke, Carroll, Chatham, Cherokee, Clarke, Cobb, Columbia, Coweta, Decatur, Floyd, Fulton, Gordon, Greene, Gwinnett, Hall, Hancock, Harris, Henry, Houston, Jackson, Meriwether, Monroe, Muscogee, Newton, Oglethorpe, Richmond, Stewart, Sumter, Talbot, Thomas, Troup, Walker, Walton, Washington, Whitfield, for each of which shall be chosen two representatives.

That the said Governor shall hold his office from the day of his inauguration until the Friday after the first Wednesday in November, 1866, and the members of the Legislature shall be chosen to serve until the first Wednesday in November, 1866."

Mr. Seward, of Thomas, called the previous question, which being sustained, the vote was taken upon the passage of the ordinance as reported by the committee; upon which Mr. Parrott required the yeas and nays to be recorded.

There were yeas 234; there were nays 34.

Those voting in the affirmative were Messrs.:

Adair,	Anderson of Chatham,
Adams of Elbert,	Anderson of Cobb,
Adams of Putnam,	Arnold of Walton,
Allen,	Arnold of Henry,
Alexander of Pike,	Ashley,
Alexander of Thomas,	Atkinson of Troup,

Atkinson of Camden,

Bacon,  
Bagley,  
Barksdale,  
Barlow,  
Barnett,  
Bassell,  
Baxter,  
Bell of Forsyth,  
Bell of Webster,  
Bethune,  
Bivins,  
Blance,  
Black of Screven,  
Black of Walker,  
Bower,  
Bowers,  
Blount,  
Bowen,  
Brady,  
Brantley,  
Brewer,  
Brewton of Bulloch,  
Brewton of Ware,  
Brightwell,  
Bush,  
Cabaniss,  
Callaway,  
Cameron,  
Candler,  
Chandler,  
Chappell,  
Christy,  
Clements,  
Cochran of Terrell,  
Cochran of Wilkinson,  
Cohen,  
Cole,

Cook,  
Covington,  
Crawford of Decatur,  
Crawford of Greene,  
Cumming,  
Cutts,

Dart,  
Davis of Floyd,  
Davis of Jackson,  
Dailey,  
DeGraffenreid,  
Dickson,  
Dorminey,  
Dorsey,  
Douglass,  
Driver,  
DuBose,  
Dunn,  
Dupree,

Ellington of Clayton,  
Edwards,

Fowler,  
Freeman,  
Fraser,  
Felton,  
Floyd,

Grant,  
Gordon,  
Gillis,  
Gibson,  
Gunnels,  
Giles,  
Goode of Houston,

Henry,  
Horne,  
Hill of Troup,

Holt of Bibb,  
Hopkins,  
Herring,  
Humber,  
Hudson of Schley,  
Hudson of Brooks,  
Hudson of Wilkinson,  
Holmes,  
Harris of Hancock,  
Hook,  
Highsmith,  
Hammond,  
Howard of Towns,  
Hopps,  
Hand,  
Hays,  
Huie of Clayton,  
Huie of Fayette,  
Hansell,  
Harris of Clark,  
Harvey,  
Hood,  
Hail,  
Irwin,  
Jackson,  
Jenkins,  
Johnson of Campbell,  
Johnson of Heard,  
Johnson of Wilcox,  
Jones of Columbia,  
Jones, M. D. of Burke,  
Jones, R. T. of Burke,  
Kelley,  
Kirklen,  
Kirksey,  
Kenan,  
King of Greene,

King of Rabun,  
King of Richmond,  
Kimbrow,  
Knight,  
Lamar,  
Lasseter,  
Lawson,  
Lawrence,  
Lewis of Dooly,  
Lewis of Greene,  
Logan of White,  
Logan of Bibb,  
Lloyd,  
Luffman,  
McLeod,  
Middleton,  
McDaniel,  
Moore of Floyd,  
Moore of Webster,  
Morel,  
Morgan,  
Morris,  
Murphry,  
Mallard,  
Manning,  
Maples,  
Martin of Echols,  
Martin of Habersham,  
Matthews of Oglethorpe,  
Matthews of Upson,  
Matthews of Washington,  
Mattox,  
McCrary,  
McCroan,  
McDuffie of Marion,  
McDuffie of Pulaski,  
McGregor,  
McIntyre,



McRae of Montgomery,	Sharp,
McRae of Telfair,	Shannon,
Nash,	Sharman,
Neal,	Shockley,
Newsom,	Simmons of Gwinnett,
Nichols,	Simmons of Crawford,
Norman,	Singleton,
Pafford,	Skelton,
Parker of Johnson,	Smith of Coweta,
Parker of Murray,	Sorrels,
Park,	Stapleton,
Paulk,	Stephens of Taliaferro,
Pendleton,	Stewart,
Penland,	Taliaferro,
Puckett,	Thompson of Jackson,
	Thompson of Haralson,
Rawls,	Thomas,
Redding,	Tison,
Reese,	Tucker,
Reynolds,	Turk,
Richardson,	Turner of Campbell,
Ridley of Troup,	Turner of Quitman,
Ridley of Jones,	Turnipseed,
Riley of Taylor,	
Roberts of Dooly,	Walker of Richmond,
Roberts of Warren,	Warren of Pulaski,
Roberts of Echols,	Warren of Houston,
Robinson of Early,	Warner,
Robinson of Laurens,	Ware,
Rogers of Gordon,	Watts,
Rogers of Milton,	Watson,
Rouse,	Whitaker,
Rumph,	Welchel,
	Winn,
Sale,	Williams of Baker,
	Williams of Bryan,
	Williams of Muscogee,
	Williams of Haralson,
	Williams of Harris,

Williams of Ware,	Wright of Coweta,
Willingham,	Wright of Dougherty,
Wimberly,	Wright of Emanuel,
Womack,	Young,
Wootten of DeKalb,	Zachery.
Wootten of Terrell,	

Those voting in the negative were Messrs.:

Barnes,	Monroe,
Boyd,	Martin of Carroll,
Burts,	McCutchen,
Dickey,	Merrill,
Doyal,	Parrott,
Dowda,	Powell,
Ellington of Gilmer,	Quillian,
England,	Riley of Lumpkin,
Goode of Pickens,	Saffold,
Glover,	Strickland,
Graham,	Thompson of Gordon,
Hill of Morgan,	Underwood,
Howard of Bartow,	Walker of Carroll,
Harlan,	Watkins,
Johnson of Spalding,	Weaver,
Jordan,	Wikle.
Logan of Dawson,	

So the ordinance was adopted.

Mr. Jenkins moved that 1,500 copies of the ordinance, with the tabular statement accompanying it, be printed for equal distribution among the members of the convention.

Mr. Kenan moved to amend by striking out "1500" and inserting "5000." Lost.

The resolution of Mr. Jenkins was then adopted.

Mr. Chappell, of Muscogee, introduced the following resolution, which, under the rule, lies over:

*Resolved*, That the following be adopted as a rule of this Convention, in lieu of the existing rule on the subject: The yeas and nays of the members of this Convention, on any question, shall be entered on the journals at the desire of one-fifth of the members present, and not of a less number.

Mr. Wright, of Coweta, introduced the following resolution:

*Resolved*, That Ex-Gov. Joseph E. Brown, Hon. B. H. Hill, Hon. R. P. Trippe, Hon. H. V. M. Miller and Gen. A. R. Wright be tendered seats in this hall.

Adopted.

Mr. Lewis, of Greene, introduced the following resolution:

*Resolved*, That the Secretary of this Convention be authorized to employ three clerks to aid him in the discharge of the duties of his office.

Which was adopted.

Mr. Crawford, of Greene, moved to tender the use of this Hall to Gen. Tilson, U. S. A., of the Freedmen's Bureau, to-morrow night, and to invite him to address the members of the Convention.

The Convention then adjourned till 9:30 A. M. to-morrow.

FRIDAY, OCTOBER 27<sup>TH</sup>, 1865,

9:30 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, of this city, the roll was called, and the Journal of yesterday read.

Mr. Hill, of Morgan, moved to reconsider the resolution authorizing the Secretary to appoint three clerks, passed yesterday.

The motion to reconsider was lost.

Mr. Chappell moved to take up the resolution changing the rules of the Convention. It was taken up, read and adopted.

Mr. Barnes offered a resolution that the delegates of this Convention may, without disrespect, sit covered during the deliberations of this body. Lost.

Mr. Barnes, of Columbia, offered the following resolution:

*Resolved*, That the President of this Convention be authorized to appoint two Standing Committees, to consist of five delegates each, to be known as the Committee on Enrollment and the Auditing Committee.

Adopted.

The following delegates constitute said Committees by appointment of the President, viz.:

On Enrollment—Messrs. Barnes of Columbia, Lewis of Greene, Hammond of Fulton, Black of Screven, Matthews of Washington.

Auditing Committee—Messrs. Matthews of Upson,

Reynolds of Newton, Blount of Jones, Blance of Polk, Ware of Pierce.

The following delegates were appointed by the President a committee under the resolution of Mr. Anderson of Chatham, adopted yesterday, to petition the President of the United States to pardon Jefferson Davis, Alexander H. Stephens, and others, to-wit:

Messrs. Anderson of Chatham, Cook of Macon, Matthews of Oglethorpe, Saffold of Morgan, Hook of Washington.

Mr. Hansell asked leave of absence for Mr. Harris of Worth, on account of sickness. Granted.

The following communication was received from His Excellency the Provisional Governor, and on motion of Mr. Kenan was taken up and read.

(See page 47.)

Mr. Hill of Morgan, moved to refer the message and accompanying document to the committee of sixteen.

Agreed to.

Mr. Jenkins, Chairman of the committee of sixteen, asked leave of absence for said committee at such times as they desire, during the sitting of the Convention.

Granted.

Mr. Hill of Morgan, gave notice that he would not move to reconsider the vote by which the ordinance to repeal certain ordinances and resolutions therein mentioned heretofore passed by the people of the State of Georgia in convention, was passed, as announced yesterday.

Mr. Dupree offered the following resolution, which was on motion of Mr. Jenkins, referred to the committee of sixteen:

*Resolved*, That a commission consisting of two persons be appointed by His Excellency the Provisional Governor of Georgia, to prepare and report to the next Legislature what laws will be necessary and proper in consequence of the alteration made in the fundamental law, and especially to prepare and submit a mode for the regulation of labor, and the protection and government of the colored population of this State, and that the Legislature fix the compensation of said commission.

Mr. Goode of Houston, introduced the following ordinance, which on his motion was read and referred to the committee of sixteen:

#### AN ORDINANCE.

To ratify certain laws past and judgments rendered since the passage of the Ordinance of Secession, to provide for the introduction of parole evidence to ascertain the consideration of certain contracts, and for other purposes therein mentioned.

*Be it ordained*, That all laws which have been passed by the several legislatures of the State of Georgia, since the passage of the Ordinance of Secession, not inconsistent with the Constitution of the United States, or the Constitution of the State of Georgia, as said Constitution existed on the 19th day of January, 1861, and which have not expired by their own limitations, except laws relating to crimes and laws affecting slaves, be and the same are, hereby ratified and declared of full force and dignity.

Sec. 2. *And be it further ordained*, That all official acts and proceedings, judgments, decrees and orders, of the several courts of law and equity of this State, rendered since the passage of the ordinance of secession, and all marriages solemnized since the passage of said ordinance, be, and the same are hereby, ratified and declared as valid and binding as if said ordinance had not passed.

Sec. 3. *And be it further ordained*, That parole testimony shall be admissible in all courts of law and equity in this State, to show the consideration of all unexecuted contracts made and entered into since the passage of the ordinance of secession, and the value of the same, and also to show whether it was the intention of the contracting parties that the money called for by said contracts was to be paid in specie or in a particular currency.

Mr. Saffold moved to take up the message of His Excellency the Provisional Governor, and that the same be referred to the committee of sixteen, which was agreed to.

Mr. Ridley of Troup, from the committee of sixteen, moved that said committee be allowed to appoint a clerk.

Agreed to.

Mr. Lemuel J. Allred, of the county of Pickens, was duly qualified as assistant Messenger to the Convention.

Mr. Doyal introduced the following ordinance and moved that it be referred to the committee of sixteen:

## AN ORDINANCE.

For the exemption of certain property from levy and sale.

*Be it ordained by the people of Georgia, in convention assembled,* That the following property of every debtor who is the head of a family, shall be exempt from levy and sale, by virtue of any process under the law of this State; and the same shall remain for the use and benefit of the family of such debtor, to-wit: one hundred acres of land, including the dwelling house and other improvements; *provided*, the said land shall not derive its chief value from any other cause than its adaption to agricultural purposes; or in lieu of the above land, real estate in any city, town or village, not exceeding three hundred dollars in value. Two horses or mules, two cows and calves, twenty head of hogs, and provisions for the family for twelve months; all of his or her household and kitchen furniture and plantation tools; one loom, two spinning wheels, two pair of cards and one hundred pounds of lint cotton; cooking utensils, common tools of trade, of himself and family, one buggy or carriage, one wagon and harness, the libraries of professional men, wearing apparel of himself and family, family Bible and religious and school books, and family portraits, and such other property as the Legislature may prescribe. Every debtor claiming the benefit of this ordinance shall make out a schedule of the property so exempted, and have the same recorded in the office of the Clerk of the Superior Court, and when the schedule is so filed the *onus* shall be on the creditor to show that the debtor owns other property than that named in said schedule.



If the debtor shall own more land or real estate than is exempted by this ordinance, the rule for ascertaining, surveying and setting apart the same shall be that prescribed by the present Code of Georgia.

Any officer levying and selling, or any creditor pointing out any property exempt from levy and sale under this ordinance, knowing the same to be exempt, shall be guilty of a trespass; and the debtor may institute an action and recover from said levying officer or creditor double the value of the property so levied on and sold.

The debtor shall have no power to alienate or encumber any of the property exempt under this ordinance, but the same may be sold under an order of the presiding Judge of the Superior Court of the Circuit where the property may be and the proceeds thereof invested in other property, or appropriated to the use of the family of said debtor; and the said judge shall have the power, and it shall be his duty to pass such order, either at chambers or in term, as will effectually secure said property so exempted to the use and benefit of the family of the debtor; and at the death of said debtor said property so exempted under this ordinance shall be for the use of the wife, if any, during her natural life, and at her death to be equally divided between her children under the age of eighteen years, if any, if not, to children over that age, or on failure of children, to the next of kin.

On motion of Mr. Cochran, it was after being read the second time, laid on the table.

Hon. Lewis Solomon, delegate elect from the county of Twiggs, appeared and was duly qualified.

On motion of Mr. Cohen, the Convention took a recess until 3:30 o'clock this evening.

3:30 O'Clock, P. M.

The Convention re-assembled at the hour appointed. Mr. Howard of Bartow, introduced the following ordinance:

#### AN ORDINANCE.

To prevent the levy or sale of the property of debtors until the adjournment of the next Legislature.

*Be it ordained by the people of Georgia, in Convention assembled,* That there shall be no levy or sale of property of debtors under any execution, precept or order, except where debtors have or are absconding, or removing, or about to remove without the limits of any county, until the adjournment of the next Legislature.

2. *Be it further ordained,* That any officer, or other person, violating this ordinance, shall be liable to be punished by fine at the discretion of the Superior Court.

This ordinance was read second time, and referred to a special committee of three, composed of Messrs. Parrott, Floyd and Hill of Morgan.

Mr. Luffman of Murray, introduced the following ordinance:

#### AN ORDINANCE.

To declare void certain liabilities of indebtedness, created by the State of Georgia, since the 1st day of January, 1861.

*Be it therefore ordained by the State of Georgia in*

*Convention assembled,* That all State securities and liabilities of indebtedness, of whatever character that may have been created by the State, to aid in the prosecution, directly or indirectly, of the late war against the United States of America, be, and the same are, hereby declared void.

Mr. Blance, of Polk, moved to lay it on the table for the balance of the session.

Mr. Shockley, of Columbia, moved to refer this ordinance to the committee of sixteen.

Mr. Wright of Coweta, moved to refer to a select committee of seven.

Mr. Blance withdrew his motion to lay on the table, and Mr. Shockley having withdrawn his motion, it was renewed by Mr. Hansell, and the ordinance was referred to the committee of sixteen.

Mr. Jenkins, Chairman of the committee of sixteen, reported two articles of the Constitution, which were read the first time, and were as follows:

THE CONSTITUTION  
OF THE  
STATE OF GEORGIA.

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ARTICLE I.

DECLARATION OF RIGHTS.

1. Protection to person and property is the duty of government.

2. No person shall be deprived of life, liberty or property, except by due process of law.

3. The writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion, the public safety may require it.

4. A well regulated militia, being necessary to the security of the State, the right of the people to keep and bear arms, shall not be infringed.

5. Perfect toleration of religious sentiment, be and the same is hereby secured, and no inhabitant of said State shall ever be molested in person or property, on account of his or her mode of religious worship.

6. Freedom of speech and freedom of the press are inherent elements of political liberty. But while every citizen may freely speak or write, or print on any subject, he shall be responsible for the abuse of the liberty.

7. The right of the people to appeal to the courts, to petition government on all matters of legitimate cognizance and peaceably to assemble for the consideration of any matter of public concern shall never be impaired.

8. Every person charged with an offense against the laws of the State shall have the privilege and benefit of counsel, shall be furnished on demand with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the attendance of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

9. No person shall be put in jeopardy of life or lib-

erty more than once for the same offence, save on his or her own motion for a new trial after conviction or in case of mistrial.

10. No conviction shall work corruption of blood or general forfeiture of estate.

11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

12. The power of the courts to punish for contempt shall be limited by legislative acts.

13. Legislative acts in violation of the Constitution are void, and the judiciary shall so declare them.

14. Ex post facto laws—laws impairing the obligation of contracts, and retroactive laws injuriously affecting any right of the citizen, are prohibited.

15. Laws shall have a general operation, and no general law affecting private rights shall be varied in any particular case by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person being under a legal disability to contract, is capable of such free consent.

16. The power of taxation over the whole State shall be exercised by the General Assembly only to raise revenue for the support of the government, to pay the public debt, to provide for the common defense, and for such other purposes as the General Assembly may be specially required or empowered to accomplish by this Constitution. But the General Assembly may, by statute, grant the power of taxation for designated purposes, with such limitations as they may deem expedient, to

county authorities, and municipal corporations, to be exercised within their several territorial limits.

17. In cases of necessity, private ways may be granted upon just compensation being first paid; and with this exception private property shall not be taken, save for public use, and then only on just compensation to be first provided and paid, unless there be a pressing, unforeseen necessity; in which event the General Assembly shall make early provision for such compensation.

18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place or places to be searched, and the persons and things to be seized.

19. The person of a debtor shall not be detained in prison, after delivery, for the benefit of his creditors of all his estate, not expressly exempted by law from levy and sale.

20. The Government of the United States having, as a war measure, proclaimed all slaves held or owned in this State, emancipated from slavery, and having carried that proclamation into full practical effect, there shall henceforth be, within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime, after legal conviction thereof; *Provided*, this acquiescence in the action of the Government of the United States, is not intended to operate as a relinquishment, waiver or estoppel of such claim for compensation of loss sustained by reason of the emancipation of his

slaves, as any citizen of Georgia may hereafter make upon the justice and magnanimity of that Government.

21. The enumeration of rights herein contained is a part of this Constitution, but shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

## ARTICLE II.

### SECTION 1.

1. The Legislative, Executive and Judicial Departments, shall be distinct; and each Department shall be confided to a separate body of magistracy. No person, or collection of persons, being of one Department, shall exercise any powers properly attached to either of the others, except in cases herein expressly provided.

2. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, the members whereof shall be elected and returns of the elections made in the manner now prescribed by law, (until changed by the General Assembly) on the 15th of November in the present year, and biennially thereafter on the first Wednesday of October, to serve until their successors shall be elected; but the General Assembly may, by law, change the day of election.

3. The first meeting of the General Assembly, under this Constitution, shall be on the first Monday in December next, after which, it shall meet annually on the first Thursday in November, or on such other day as the General Assembly may prescribe.\* A majority of each house shall constitute a quorum to transact business, but

a smaller number may adjourn from day to day and compel the attendance of its absent members, as each House may provide. No session of the General Assembly, after the first above mentioned shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

4. No person holding any military commission, or other appointment, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, (except Justices of the Inferior Courts, Justices of the Peace, and officers of the militia) nor any defaulter for public money, or for any taxes required of him, shall have a seat in either branch of the General Assembly; nor shall any Senator or Representative after his qualification as such, be elected by the General Assembly, or appointed by the Governor with the advice and consent of two-thirds of the Senate, to any office or appointment having any emolument or compensation annexed thereto, during the time for which he shall have been elected.

5. No person convicted of any felony, before any court of this State, or of the United States, shall be eligible to any office, or appointment of honor, profit or trust, within this State, until he shall have been pardoned.

6. No person who is a collector or holder of public money, shall be eligible to any office in this State, until the same is accounted for and paid into the treasury.



## SECTION 2.

There shall be forty-four Senatorial Districts in the State of Georgia, each composed of three contiguous counties, from each of which districts one Senator shall be chosen, until otherwise arranged, as hereinafter provided.

The said districts shall be constituted of counties as follows:

The First District shall consist of the counties of Chatham, Bryan and Effingham.

The Second, of Liberty, Tattnall and McIntosh.

The Third, of Wayne, Pierce and Appling.

The Fourth, of Glynn, Camden and Charlton.

The Fifth, of Coffee, Ware and Clinch.

The Sixth of Echols, Lowndes and Berrien.

The Seventh, of Brooks, Thomas and Colquitt.

The Eighth, of Decatur, Mitchell and Miller.

The Ninth, of Early, Calhoun and Baker.

The Tenth, of Dougherty, Lee, and Worth.

The Eleventh, of Clay, Randolph and Terrell.

The Twelfth, of Stewart, Webster and Quitman.

The Thirteenth, of Sumter, Schley and Macon.

The Fourteenth, of Dooly, Wilcox and Pulaski.

The Fifteenth, of Montgomery, Telfair and Irwin.

The Sixteenth, of Laurens, Johnson and Emanuel.

The Seventeenth, of Bulloch, Screven and Burke.

The Eighteenth, of Richmond, Glascock and Jefferson.

The Nineteenth, of Taliaferro, Warren and Greene.

The Twentieth, of Baldwin, Hancock and Washington.

The Twenty-First, of Twiggs, Wilkinson and Jones.  
The Twenty-Second, of Bibb, Monroe and Pike.  
The Twenty-Third, of Houston, Crawford and Taylor.  
The Twenty-Fourth, of Marion, Chattahoochee and  
Muscogee.

The Twenty-Fifth, of Harris, Upson and Talbot.  
The Twenty-Sixth, of Spalding, Butts and Fayette.  
The Twenty-Seventh, of Newton, Walton and Clarke.  
The Twenty-Eighth, of Jasper, Putnam and Morgan.  
The Twenty-Ninth, of Wilkes, Lincoln and Columbia.  
The Thirtieth, of Oglethorpe, Madison and Elbert.  
The Thirty-First, of Hart, Franklin and Habersham.  
The Thirty-Second, of White, Lumpkin and Dawson.  
The Thirty-Third, of Hall, Banks and Jackson.  
The Thirty-Fourth, of Gwinnett, DeKalb and Henry.  
The Thirty-Fifth, of Clayton, Fulton and Cobb.  
The Thirty-Sixth, of Meriwether, Coweta and Camp-  
bell.

The Thirty-Seventh, of Troup, Heard and Carroll.  
The Thirty-Eighth, of Haralson, Polk and Paulding.  
The Thirty-Ninth, of Cherokee, Milton and Forsyth.  
The Fortieth, of Union, Towns and Rabun.  
The Forty-First, of Fannin, Gilmer and Pickens.  
The Forty-Second, of Bartow, Floyd and Chattooga.  
The Forty-Third, of Murray, Whitfield and Gordon.  
The Forty-Fourth, of Walker, Dade and Catoosa.

If a new county be established, it shall be added to a district which it adjoins. The Senatorial Districts may be changed by the General Assembly, but only at the first session after the taking of each new census by the United States Government, and their number shall never be increased.

2. No person shall be a Senator who shall not have attained to the age of twenty-five years and be a citizen of the United States, and have been for three years an inhabitant of this State.

3. The Presiding officer shall be styled the President of the Senate and shall be elected *viva voce* from their own body.

4. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, profit, or trust, within this State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

### SECTION 3.

1. The House of Representatives shall be composed as follows: the thirty-seven counties having the largest representative population shall have two Representatives each. Every other county shall have one Representative. The designation of the counties having two Representatives shall be made by the General Assembly immediately after the taking of each census.

2. No person shall be a Representative who shall not have attained the age of twenty-one years, and be a citizen of the United States, and have been for three years an inhabitant of this State, and for one year a resident of the county which he represents.

3. The presiding officer of the House of Representatives shall be styled the Speaker, and shall be elected *viva voce* from their own body.

4. They shall have the sole power to impeach all persons who have been or may be in office.

5. All bills for raising revenue or appropriating money, shall originate in the House of Representatives; but the Senate may propose or concur in amendments, as in other bills.

#### SECTION 4.

1. Each House shall be the judge of the election returns and qualifications of its own members; and shall have power to punish them for disorderly behavior or misconduct, by censure, fine, imprisonment or expulsion; but no member shall be expelled except by a vote of two-thirds of the House from which he is expelled.

2. Each House may punish, by imprisonment not extending beyond the session, any person not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence; or who, during the session, shall threaten injury to the person or estate of any member, for anything said or done in either House; or who shall assault any member thereof; or who shall assault or arrest any witness going to or returning therefrom; or who shall rescue, or attempt to rescue, any person arrested by order of either House.

3. The members of both Houses shall be free from arrest except for treason, felony, or breach of the peace, during their attendance on the General Assembly, and in going to and returning therefrom; and no member shall

be liable to answer in any other place for anything spoken in debate in either House.

4. Each House shall keep a Journal of its proceedings, and publish them immediately after its adjournment. The yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the Journals. The original Journals shall be preserved (after publication) in the office of the Secretary of State; but there shall be no other record thereof.

5. Every bill, before it shall pass, shall be read three times, and on three separate and distinct days in each House, unless in cases of actual invasion or insurrection. Nor shall any law or ordinance pass, which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

6. All Acts shall be signed by the President of the Senate and Speaker of the House of Representatives; and no bill, ordinance or resolution, intended to have the effect of law, which shall have been rejected by either House shall be again proposed under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

7. Neither House shall adjourn for more than three days, nor to any other place, without the consent of the other; and in case of disagreement between the two Houses, on a question of adjournment, the Governor may adjourn them.

8. Every Senator and Representative, before taking his seat, shall take an oath or affirmation to support the Constitution of the United States and of this State; and

also, that he hath not practiced any unlawful means, either directly or indirectly, to procure his election. And every person convicted of having given or offered a bribe, shall be disqualified from serving as a member of either House for the term for which he was elected.

9. Whenever this Constitution requires an Act to be passed by two-thirds of both Houses, the yeas and nays on the passage thereof, shall be entered on the Journals of each.

#### SECTION 5.

1. The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

2. They may alter the boundaries of counties, and lay off and establish new counties; but every bill to establish a new county shall be passed by at least two-thirds of the members present, in each branch of the General Assembly.

3. The General Assembly shall have power to appropriate money for the promotion of learning and science, and to provide for the education of the people.

4. The General Assembly shall have power, by a vote of two-thirds of each branch, to grant pardons in cases of final conviction for treason, and to pardon or commute after final conviction in capital cases.

5. It shall be the duty of the General Assembly to make laws to protect and govern free persons of color;

providing in what cases their testimony shall be received; to regulate their transactions with citizens; to regulate or prohibit their immigration into this State from other States of the Union, or elsewhere; to confer jurisdiction upon courts now existing, or that may hereafter be by them created, in criminal cases, excepted from the exclusive jurisdiction of the Superior Court, and in civil cases whereto persons of color are parties, and at its next session, and thereafter as the public welfare may require, to provide by law for the protection and security of the persons and property of the freedom of this State, and guard them and the State against any evil that may arise from their sudden emancipation.

#### SECTION 6.

1. The General Assembly shall have no power to grant corporate powers and privileges to private companies, except to banking, insurance, railroad, canal, plank road, navigation, mining, express, lumber, manufacturing, and telegraph companies; nor to make or change election precincts; nor to establish bridges and ferries; nor to change names, or legitimate children; but shall by law prescribe the manner in which such power shall be exercised by the Courts. But no bank charter shall be granted or extended, and no Act passed authorizing the suspension of specie payment by any chartered bank, except by a vote of two-thirds of both branches of the General Assembly.

2. No money shall be drawn from the Treasury of this State, except by appropriation made by law; and a regular statement and account of the receipt and expend-

iture of all public money shall be published from time to time.

3. No vote, resolution, law, or order shall pass granting a donation or gratuity in favor of any person, except by the concurrence of two-thirds of the General Assembly.

4. No law shall be passed by which a citizen shall be compelled, directly or indirectly, to become a stockholder in, or contribute to a railroad, or other work of internal improvement, without his consent, except the inhabitants of a corporate town or city. This provision shall not be construed to deny the power of taxation for the purpose of making levees or dams to prevent the overflow of rivers.

Mr. Jenkins moved that it be taken up by Sections.

Mr. Parrott of Bartow, moved to lay it on the table for the present, and that three hundred copies be printed.

Mr. Roberts of Warren, moved that it be made the special order for to-morrow, that 1,500 copies be printed, and that the Convention do now adjourn till 9:30 o'clock tomorrow morning.

Lost.

Mr. Simmons of Gwinnett, moved as an amendment to Mr. Parrott's motion, that the Secretary have printed 325 copies of the 6th section of the 2nd article, for the use of the Convention, which was agreed to.

The motion of Mr. Jenkins was agreed to and the Constitution was taken up by Sections and acted upon as follows:



The 1st, 2d, 3d and 4th Sections of the first article were agreed to.

The fifth Section being under consideration, on motion of Mr. Crawford of Greene, the word "toleration" was stricken out, and the word "freedom" inserted.

Mr. Hill of Morgan, moved farther to amend by striking out all after the word "property" and insert in lieu thereof, the words, "nor prohibited from holding any public office or trust, on account of his religious opinion."

Mr. Simmons of Gwinnett, moved as a substitute for the Section, the following:

"No religious test shall be required for the tenure of any office, and no religion shall be established by law; and no citizen shall be deprived of any right or privilege by reason of his religious belief." But subsequently withdrew it, and the amendment of Mr. Hill was adopted.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, were agreed to.

On motion of Mr. Seward, the convention adjourned till 9:30 a. m. tomorrow.

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#### SATURDAY MORNING, 9:30 O'CLOCK.

The convention met pursuant to adjournment and after prayer by Rev. Mr. Brooks of this city, the journal was read.

Mr. Jenkins asked that so much of the journal may be reconsidered, as refers to the adoption of the 8th clause

of the declaration of rights, and that said clause may be recommitted. Which was adopted.

Mr. Parrott, chairman of the special committee, to whom was referred an ordinance to prevent the levy and sale of the property of debtors under execution until the adjournment of the next session of the Legislature, reported the same back, and recommended that the same shall pass.

On his motion, the rule was suspended, and the ordinance taken up.

Mr. Boyd moved to amend by adding after the word "cost" the words "and rent" which was lost.

Mr. Hill moved to strike out the words "until the adjournment of the next Legislature" and insert in lieu thereof, the words "until the Legislature shall otherwise direct."

Mr. Warner moved to insert the word "levy" after the word "no."

Mr. Seward moved to amend by adding the following proviso:

*"Provided, This ordinance shall not apply to judgments and executions hereafter obtained."*

Withdrawn, and on motion of Mr. Seward the ordinance was recommitted.

Mr. Jenkins moved to suspend the rule, to allow him to introduce the following, as an additional rule of this body:

*Resolved, That the Constitution, that may be adopted by this convention, and all ordinances and resolutions*

passed shall be signed by the President and Secretary of the convention, which shall be a sufficient authentication thereof.

No ordinance already passed upon one reading, shall lack validity for that reason.

The rule was suspended, and the resolution was introduced and read.

On motion of Mr. Hansell, the rule requiring it to lie over, was suspended, and the resolution as introduced was taken up and read the second time and adopted.

Hon. Robt. W. Lovett, of the county of Screven, appeared, and after being qualified, took his seat.

Mr. Williams of Muscogee, introduced the following ordinance, which was read twice, and referred to the Committee of Sixteen:

#### JUDICIAL DEPARTMENT.

1. The judicial powers of this State, shall be vested in a Supreme Court for the correction of errors; a Superior Court, County Court, Ordinary and Justices Courts, and in such other courts as may be established by law.

2. The Supreme Court shall consist of three judges, who shall be elected by the Legislature of this State, for such term of years as shall be prescribed by law, and shall continue in office until their successors shall be elected and qualified, removable by the Governor, on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon. The Legislature shall so arrange the election of said judges, that the term of one of said judges shall expire at a time, and

shall elect his successor, at such time as they may direct, prior to the expiration of his term.

3. The said Supreme Court, shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors in law and equity from the Superior Courts of the several circuits, and shall sit at least twice a year, at a time prescribed by law, at the seat of government of this State, for the trial and determination of all writs of error from the said several Superior Courts.

4. The said Supreme Court, shall dispose of and finally determine, every case on the docket of such court, at the first or second term after such writ of error brought, and in case the plaintiff in error shall not be prepared at the first term of such court, after error brought, to prosecute the case, unless precluded by some providential cause from such prosecution, it shall be stricken from the docket, and the judgment below, shall stand affirmed.

5. The judges of the Superior Courts, shall be elected by the qualified voters residing in the circuits in which judges are to serve, for the term of four years, and shall continue in office, until their successors are elected and qualified, removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

6. The Superior Court shall have exclusive jurisdiction on all cases of divorce, both total and partial, but no total divorce shall be granted, except, on the concurrent verdicts of two special juries.

In each divorce case, the court shall regulate the rights and disabilities of the parties.

7. The Superior Court shall have exclusive jurisdiction in all cases respecting titles to land, which shall be tried in the county where the land lies; and also, in all other civil causes, except such as may be within the jurisdiction of the county and Justice's courts; also, in all equity causes which shall be tried in the county where one or more of the defendants reside, against whom, substantial relief is prayed.

8. The Superior Court shall have appellate jurisdiction in all such cases as may be provided by law.

9. It shall have the power to correct errors in inferior judicatories, by writ of *certiorari*, and to grant new trial in the Superior Court, upon proper and legal grounds.

10. It shall have the power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying its power fully into effect.

11. In cases of joint obligors or joint promissors, or co-partners, or joint trespassers, residing in the different counties in the State, the suit may be brought in either county.

12. In case of a maker and endorser or endorsers of promissory notes, residing in different counties in this State, the same may be sued in the county where the maker resides.

13. The Superior Court shall have exclusive jurisdiction in all criminal cases, where the offence charged in the bill of indictment is capital, and also in all cases where the offence charged is or may, or shall be punishable in the penitentiary for a term over two years, and in all cases which subjects the offender or offenders to

the loss of life, limb or member; all which criminal cases, shall be tried in the county where the crime was committed, except in cases where a jury can not be obtained.

14. The Superior Court shall sit in each county twice in every year, at such stated times as have been, or may be appointed by the General Assembly.

15. The judges of the Superior courts shall have salaries adequate to their services fixed by law, which shall not be diminished during their continuance in office, but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

16. There shall be a State's Attorney and Solicitors elected in the same manner as the judges of the Superior Court, and be commissioned by the Governor, who shall hold their offices for the term of four years, or until their successors shall be elected and qualified, unless removed by sentence or impeachment, or by the Governor on the address of two-thirds of each branch of the General Assembly. They shall have salaries adequate to their services fixed by law, which shall not be diminished during their continuance in office.

17. There shall be organized, by the Legislature, a county court, in and for each county, in which one judge shall preside, to be elected by the qualified voters of each county, at such time as the Legislature may direct, and who shall be commissioned by the Governor, and shall hold his office for the term of four years, and until his successor is elected and qualified. He shall receive a yearly salary to be paid to him out of the public funds of the county in which he presides, at such time, and in such amount as the Legislature may direct, but which may

be varied in each county, according to the service which may be required of him, and shall also be entitled to collect and receive such tax fee or cost as may be directed by law, on judgments, criminal or civil, which may be rendered in said court, to be collected as other costs in said cases.

18. There shall, in like manner, be elected a county Solicitor, for each county, who shall be commissioned by the Governor for the term of four years, and until his successor is elected and qualified. He shall diligently prosecute for all offenses within the jurisdiction of said court, and shall receive such fees, or costs, in each case, as may be directed by law.

19. The county court for each county shall have and exercise criminal jurisdiction in all cases which do not subject the offender or offenders to loss of life, limb, or member, or to confinement in the penitentiary for a term not longer than two years.

20. The Solicitor shall make out in writing, an accusation, stating the offense charged, upon which the defendant shall go to trial before said judge, who shall hear the testimony for and against the accused, and shall render such judgment as the facts and the law require; *provided*, That in all cases involving confinement in the penitentiary, or imprisonment in the common jail of the county, for a term of six months, or of imprisonment or labor at any other place, as may be prescribed by law for a term longer than six months, or of a fine over five hundred dollars, the accused shall have the right to be tried by a jury of twelve men, who may be immediately impannelled.

21. The county court shall have jurisdiction of all

civil cases arising between a white person and a negro, but all contracts for the performance of labor, or the payment of money must be in writing and signed by the party or parties to be bound thereby, the performance or breach of such contract, may be proved by such competent oral testimony as may be directed by law; said court shall have the power to bind out orphan children, under the age of twenty-one years, and all other children whose father, if living, if not whose mother, may consent thereto.

22. The said court shall hold its sessions, or terms, at the courthouse, at least once every month, and oftener if necessary. It shall be a court of record, shall exercise all the powers of the judge of the Superior Court in all cases within its jurisdiction, and its judgments for the infliction of punishment, or for the payment of money shall be enforced in such way and manner as may be directed by law.

23. The powers of a court of ordinary and of probate, shall be vested in an ordinary for each county, from whose decisions there may be an appeal to the Superior Court, under regulations prescribed by law. The ordinary shall be, ex-officio, clerk of said court, and may appoint a deputy clerk. The ordinary as clerk or his deputy, may issue citations and grant temporary letters of administration, to hold until permanent letters are granted, and said ordinary, as clerk, or his deputy, may grant marriage license. The ordinaries in and for the respective counties, shall be elected in the same manner as other county officers. He shall hold his office for the term of four years, and until his successor is elected and qualified, and shall be commissioned by the Governor. In case of any vacancy of said office of ordinary, from any cause,



the same may be filled by election, as provided in election to other county officers, and until the same is filled, the clerk of the Superior Court for the time being shall act as clerk of said court of ordinary.

The Legislature may make the ordinary eligible also, to hold the office of judge of the county court, in counties not having more than one representative in the legislature.

24. The justices of the peace shall be elected in each district by the persons entitled to vote for members of the General Assembly, and shall have and exercise such powers and jurisdiction as may be conferred upon them by law.

25. The civil business of the Inferior Court, together with the papers, dockets and records in relation thereto, shall be turned over to the Superior Court, and the county business together with the papers and records pertaining thereto, shall be turned over to the three commissioners, to be known as commissioners of roads, bridges and revenue, who shall be elected as other county officers, and who shall hold their office for the term of four years, and who shall be authorized to exercise all the powers and authority now vested in the Inferior Court in relation to county matters.

Leave of absence was granted Messrs. Adams of Putnam, Logan of Bibb, and Gibson.

Mr. Warren of Pulaski, introduced the following resolution:

*Resolved*, That the President of this convention, appoint a committee of five, who shall wait upon His Excellency, the Provisional Governor, and enquire of him,

whether from his official connection with the authorities at Washington, he knows that the repudiation of the debt incurred by the State of Georgia, during the late Civil War, is essential to the resumption of amicable relations with the United States Government; and that said committee be required to report at as early a period as practicable, the result of their enquiry.

On motion of Mr. Warren of Pulaski, the resolution was taken up.

Mr. Kenan moved to lay the resolution on the table, and after considerable discussion, Mr. Anderson of Chatham, called for the previous question.

The convention sustained the call, and the vote being taken on the motion of Mr. Kenan, to lay on the table, the motion was agreed to.

Mr. deGraffenried offered the following resolution, which was read the first time:

*Resolved*, That the State Treasurer be instructed to make advances of mileage and *per diem* pay to delegates of the amount due at the rate of \$5.00 per day.

On motion of Mr. Kenan, the convention took a recess until 3:30 o'clock this afternoon.

3.30 O'Clock, P. M.

The Convention met again at the appointed hour.

The business in order being the consideration of the Constitution as reported by the Committee of Sixteen.

On motion of Mr. Barnes, the rule was suspended and he moved to amend the twenty-fourth rule of the Convention; which was lost.

Mr. Barnes introduced the following resolution:

*Resolved*, That in accordance with the rules of this Convention, requiring the Assistant Secretary and the Engrossing and Enrolling clerks to be sworn, the Secretary be authorized to appoint such assistant and clerks, and that they be sworn accordingly.

Which was taken up twice, read and adopted.

In accordance with the foregoing resolution, the Secretary appointed F. T. Snead of the county of Macon, as Assistant Clerk, S. C. Johnson of the county of Dawson, as Journalizing Clerk, Walter T. McArthur of the county of Montgomery, as Engrossing Clerk, and Danl. B. Sanford of the county of Greene, as Enrolling Clerk, and they were duly qualified and entered upon their duties.

Mr. King, of Greene, introduced the following ordinance, which was taken up, read twice, and referred to the committee of sixteen.

#### AN ORDINANCE.

To provide for the payment of Ordinaries and Clerks of the Superior Courts of this State for certain services rendered by said officers.

*The people of Georgia, in Convention assembled ordain*, That, whereas His Excellency, James Johnson, Provisional Governor of the State of Georgia, did, on the 7th day of August, 1865, order by proclamation of said date, Ordinaries of the several counties of said State, when not laboring under certain disabilities, and clerks of the Superior Courts of said counties, in case said Ordinaries

were laboring under said disabilities, to administer the amnesty oath, prescribed in the President's proclamation of 29th May, 1865, to citizens desirous and capable of taking said oath; and whereas, no compensation has been provided by law for said service rendered by said officers in accordance with said proclamation of the Governor, the sum of fifty cents be paid to each of said officers for every oath thus administered, for which he has received no compensation.

That on presentation by said officers of their several accounts properly verified under oath, to the Comptroller-General of the State, he is hereby authorized and required to draw his warrant on the Treasurer for the amount of said accounts (or so much thereof as is properly authenticated), and it shall be the duty of the Treasurer to pay said warrant out of any money raised by taxation or otherwise, not specially appropriated to other purposes.

Mr. deGraffenried moved to take up the resolution introduced by him this morning, authorizing the Treasurer to make advances of mileage and *per diem* pay to delegates.

The resolution was taken up and read a second time.

Mr. Lewis of Greene, moved to amend the resolution so as to read as follows:

*Resolved*, That the State Treasurer be instructed to make advances of mileage and *per diem* pay to delegates of the Convention according to the mileage and *per diem* allowed to members of the General Assembly by the Code of Georgia.

The amendment was agreed to, and the resolution as amended was adopted.

On motion of Mr. Jenkins, the Convention proceeded with the unfinished business of yesterday, which was the consideration of the Constitution as reported by the committee of sixteen.

The second article was taken up by sections and paragraphs.

Paragraphs 1, 2 and 3 of the first section, were agreed to.

Mr. Rumph moved to amend the 4th paragraph by striking out all from the word "no" to the word "defaulter," but subsequently withdrew his motion.

Mr. Dorsey moved to add the word "legal" before "taxes," which was agreed to, and the paragraph as amended was agreed to.

Mr. Graham moved to amend the 5th paragraph by inserting the words "or either of them" after the words "United States."

The amendment was concurred in, and the paragraph as amended was agreed to.

The 6th paragraph was agreed to.

Mr. Cureton moved to amend the 2d section by inserting after the word "chosen" the word "alternately." Lost.

Mr. Parrott moved to amend by striking out all of said section down to the words "if a new county be established," and inserting the following in lieu thereof:

"The Senate shall consist of thirty-three members,

one to be chosen from each Senatorial District, which Senatorial District shall be composed of four contiguous counties. The whole number to be elected on the 15th day of November next, and on the first day of the first session of the Senate hereafter to be held, the President of the Senate shall put the names of all said Senators into a box and fairly and impartially draw from said box eleven names, who shall serve for six years; eleven who shall serve for four years, and eleven who shall serve for two years.

And that an election shall be held bi-ennially to fill the places of those whose terms shall expire, and those elected as last aforesaid, shall serve for six years."

Mr. Hill of Morgan, moved to amend by saying "this provision shall go into effect at and after the election in 1867."

Mr. Warren of Houston, moved to postpone its consideration until Monday, but subsequently withdrew his motion.

Mr. Simmons of Gwinnett, moved to recommit to the committee of sixteen. Agreed to.

Mr. Turner of Quitman, moved to suspend the rules to allow him to introduce a resolution.

The rules were suspended and he introduced the following preamble and resolution:

The melancholy announcement having been made to the Convention of the death of Benjamin H. Rice, Esquire, a member elect of this Convention from the county of Quitman, who departed this life on the 26th instant,

*Resolved*, That the members of this Convention lament his death, and sympathize with the family on the great bereavement which they have suffered, and that as a mark of respect to the memory of the deceased, this Convention do now adjourn.

*Resolved*, That these resolutions be entered on the Journal of the Convention.

The resolution was taken up, read and adopted; wherefore the Convention adjourned until 9:30 o'clock Monday morning.

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MONDAY, OCTOBER 30<sup>TH</sup>, 1865,

9:30 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, the Journal of Saturday was read.

Mr. Seward of Thomas, moved to reconsider so much of the Journal of Saturday as refers to the action of the Convention upon the resolution of Mr. Warren, of Pulaski, asking the appointment of a committee of five to wait upon the Provisional Governor and enquire of him whether, from his official connection with the authorities at Washington, he knows that the repudiation of the debt incurred by the State of Georgia during the late Civil War, is essential to the resumption of amicable relations with the United States Government.

The motion to reconsider was, on motion of Mr. Seward, laid over for the present; and, on his motion, the rules were suspended to enable him to introduce the following resolution:

*Resolved*, That His Excellency the Provisional Governor, be requested to communicate to the Convention, at any time, any facts in his possession that he may deem of public interest.

Agreed to.

On motion of Mr. Warner of Meriwether, so much of the Journal as refers to the adoption of the amendment adding the words "or either of them" after the words "United States," was reconsidered.

On motion of Mr. Rawls of Effingham, so much of the Journal of Saturday as records the adoption of the second paragraph of the first section of the second article of the Constitution, was reconsidered.

Mr. Anderson from Chatham, chairman of the committee of five appointed to memorialize the President of the United States for the pardon of Jefferson Davis, A. H. Stephens and others, made the following report:

MILLEDGEVILLE, October 30th, 1865.

*To His Excellency* ANDREW JOHNSON,

*President of the United States:*

The delegates of the State of Georgia in Convention assembled, do earnestly invoke the Executive clemency in behalf of Jefferson Davis and Alexander H. Stephens, and of James A. Seddon of Virginia; A. G. McGrath of South Carolina; Allison and David L. Yulee of Florida, and H. W. Mercer of Georgia, now confined as prisoners in Fort Pulaski, and of all other prisoners similarly circumstanced.

Your Excellency has been pleased to restore Mr.



Stephens to his liberty. He returns to the grateful people of his State as a solemn pledge of the magnanimity which rules the public councils, and his great name and influence will be potent to revive the amity of the past, and to fructify the wise and generous policy which Your Excellency has inaugurated. Emboldened by this example, impelled by the purity of our motives, and stimulated by the prayers of a numerous people, we appeal for clemency in behalf of the distinguished persons we have named. Restore them to liberty and to the embraces of their families. Translate them from captivity to the light of freedom and of hope, and the gratitude of the prisoners will be mingled with the joyful acclamations which shall ascend to heaven from the hearts of the people.

Jefferson Davis was elevated to his high position by our suffrages, and in response to our wishes. We imposed upon him a responsibility which he did not seek. Originally opposed to the sectional policy to which public opinion, with irresistible power, finally drove him, he became the exponent of our principles and the leader of our cause. He simply responded to the united voice of his section. If he, then, is guilty, so are we; we were the principals; he was our agent. Let not the retribution of a mighty nation be visited upon his head, while we, who urged him to his destiny, are suffered to escape. The liberal clemency of the government has been extended over us; we breathe the air and experience the blessings of freedom; we therefore ask that the leader who in response to the democratic instincts of his nature, the principles of his party and the solicitation of his section, became the head and front of our offending, shall not now be bruised for our iniquities or punished

for our transgressions. Mr. Davis was not the leader of a feeble and temporary insurrection; he was the representative of great ideas, and the exponent of principles which stirred and consolidated a numerous and intelligent people. This people was not his dupe; they pursued the course which they adopted of their own free will, and he did not draw them on, but followed after them. It is for these reasons that we invoke the executive clemency in his behalf. His frame is feeble; his health is delicate; all broken by the storms of State, he languished out in captivity a vicarious punishment for the acts of his people. Thousands of hearts are touched with his distress; thousands of prayers ascend to heaven for his relief. We invoke in his behalf the generous exercise of the prerogative to pardon which the forms and principles of the Constitution offer as a beneficent instrument to a merciful Executive.

We ask the continuance of that career of clemency which Your Excellency has begun, and which alone, we earnestly believe, can secure the true unity and lasting greatness of this nation. Dispensing that mercy which is inculcated by the example of our great Master on high, your name will be transmitted to your countrymen as one of the benefactors of mankind.

The Constitution of our country, renewed and fortified by your measures, will once more extend its protection over a contented and happy people, founded, as it will be, upon consent and affection and resting, like the great arch of the Heavens, equally upon all.

Mr. Jenkins chairman of the committee of sixteen, made the following

## REPORT:

The committee of sixteen, to whom was referred the message of the Provisional Governor, enclosing a communication from Brig.-Gen. Tillson, Asst. Commissioner of the Bureau of Freedmen, Refugees and abandoned lands, have had the same under consideration, and direct me to report the following resolution and ordinance:

*Resolved by the Convention*, That the wise and liberal proposition of Brig.-Gen. Tilson, Assistant Commissioner of the Freedmen's Bureau, to employ certain officers of this State, as agents of said Bureau, to adjust difficulties between the white and colored people of this State, and to maintain the police of the country, be, and the same is, hereby accepted: and it is hereby ordained by this Convention, that the Justices of the Peace, Ordinaries, and all other civil officers, or unofficial citizens of this State, are hereby authorized to perform such services as may be designated by said agent, in adjusting difficulties between the white and colored population of this State, in maintaining the police of the country, and other similar matters, whenever requested so to act by said superintendent.

The rules were suspended and the report of the committee taken up, and the resolution and ordinance were read the second time.

The following message was received from His Excellency, James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit:

MR. PRESIDENT: I am directed by the Governor to deliver to the Convention a communication in writing.

(See page 48.)

Mr. Black of Screven, moved to amend the report of the committee by striking out the words "the Justices of the Peace, Ordinaries, and all other civil officers and unofficial citizens of this State," and to insert in lieu thereof the words "any citizen of any county in the State."

Mr. Hook of Washington, moved to amend by adding the following proviso:

*Provided*, That nothing in this ordinance contained shall be understood in anywise to indicate the views of this Convention as to the character of witnesses hereafter to be admitted in certain cases; it being the judgment of this body that this is a matter of legislative cognizance only.

Mr. Matthews of Oglethorpe, moved to amend the amendment of Mr. Black by inserting the word "private" before "citizen."

The following message was received from His Excellency James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit:

MR. PRESIDENT: I am directed by the Governor to deliver to the Convention a communication in writing.

Which, on motion, the order having been suspended, was taken up and read:

(See page 49.)

Mr. Saffold of Morgan, called for the previous question, and the call being sustained, the vote was taken on the main question, and the report of the committee was adopted.

The message of His Excellency the Provisional Governor, showing the amount of money received and expended by him since entering upon the discharge of his duties was taken up and read.

Also the communication from him enclosing certain telegrams from the President of the United States, was taken up, read, and on motion of Mr. Whitaker, was referred to the committee of sixteen.

Mr. Saffold of Morgan, introduced the following ordinance, which was taken up, read twice, and referred to the committee of sixteen.

#### AN ORDINANCE.

To declare null and void all laws of the State of Georgia by which money has been raised for the purpose of carrying on and sustaining the late war against the United States, and all notes, bills, bonds and contracts founded on the same.

*Be it ordained by the people of Georgia, in Convention assembled,* That all laws which have been heretofore passed for the purpose of raising money to sustain and carry on the late war against the United States, are null and void; and that no Legislature hereafter to be assembled, shall levy any tax or make any appropriation directly or indirectly, to pay any note, bill, bond or contract, founded on the same.

The Convention resumed the consideration of the unfinished business when Mr. Parrott offered the following resolution:

*Resolved,* That the second article of the Constitution

be recommitted to the committee of sixteen, and that the plan of reduction before the Convention and all others which may be suggested, shall be referred to said committee with instructions to report a plan of reduction.

Adopted.

Mr. Parrott submitted the following plan of reduction, which was referred to the committee of sixteen, in accordance with the above resolution.

The Senate shall be composed of thirty-three Senators, one to be selected from each Senatorial District in this State, which Senatorial District shall be composed of four contiguous counties, and shall be designated by their respective numbers from one to thirty-three inclusive. Which Senators shall be elected on the first Wednesday in October, in the year 1866, by the persons qualified to vote for the most numerous branch of the General Assembly.

Immediately after the Senators shall assemble in consequence of the first election as provided for in this Constitution, they shall be divided equally into three classes. The first class shall be composed of the following districts, to-wit:

Number 1, 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30. The second class shall be composed of districts,

Number 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, and 32; and the third class shall be composed of districts,

Number 4, 7, 10, 13, 16, 19, 22, 25, 28, 31 and 33.

The seats of the Senators of the first class shall be vacated at the expiration of the second year. The seats of the second class shall be vacated at the expiration of

the fourth year, and the seats of the third class shall be vacated at the expiration of the sixth year, or when the successors of said Senators shall be elected and qualified.

An election shall be held in each Senatorial District, when vacancy shall occur in accordance with this Constitution, on the first Wednesday in October, every second year after the first election for Senators, shall be held to fill the vacancies occasioned by the expiration of Senatorial terms as provided for in this Constitution, said elections shall be held and returns made in accordance with the laws then of force in the State, and the Senators so elected to fill said vacancies shall serve for six years, or until their successors are elected and qualified.

The General Assembly, at its first session after the adjournment of this Convention, shall lay off, number and designate the Senatorial Districts of this State, as provided for in this Constitution.

Strike out 1st clause, 3d section, 2d article, and insert as follows:

The House of Representatives shall be composed as follows:

The thirty-two counties having the largest representative population shall have one representative each. The remaining one hundred counties shall have one representative for every two counties. The designation of the counties having one representative each and the remaining counties that shall have one representative for every two counties shall be made by the first General Assembly, which shall assemble after this Convention

shall adjourn and shall not be again altered until immediately after the taking of each census.

The following amendment of Mr. Warren of Houston, was also referred to said committee of sixteen.

It is made the duty and is hereby enjoined upon the first legislature of this State, that shall meet under this Constitution, and before the term for which it is elected shall expire, to so by law reduce the number of the General Assembly of this State, that the Senate shall not consist of more than thirty-five, and not less than thirty senators, and that the House of Representatives shall not consist of more than seventy and not less than sixty Representatives, after the official term of the first legislature elected under this Constitution, and that the two branches of the Legislature shall never consist of a greater or less number than herein prescribed, until they are increased or diminished by a change of this Constitution for that purpose.

Mr. Barnes, chairman of the committee on enrollment, made the following

#### REPORT:

MR. PRESIDENT. The chairman of the committee on enrollment reports that the following ordinances have been properly enrolled, and are now ready for the signature of the President and the attestation of the Secretary, to-wit:

An ordinance to repeal certain ordinances and resolutions therein mentioned, heretofore passed by the people of Georgia in Convention, and



An ordinance to establish Congressional Districts, and to provide for certain elections.

Mr. Jenkins, chairman of the committee of sixteen, reported the following additional article of the Constitution, which being read twice, was taken up by sections and paragraphs.

### ARTICLE III.

#### SECTION 1.

1. The executive power shall be vested in a Governor, the first of whom under this Constitution, shall hold the office from the time of his inauguration as by law provided, until the election and qualification of his successor. Each Governor subsequently elected shall hold the office for two years and until his successor shall be elected and qualified. He shall have a competent salary, which shall not be increased or diminished during the time for which he shall have been elected; neither shall he receive within that time any other emolument from the United States, or either of them, nor from any foreign power.

2. The Governor shall be elected by the persons qualified to vote for members of the General Assembly, on the fifteenth day of November, in the year eighteen hundred and sixty-five, and bi-ennially thereafter, on the first Wednesday of October, until such time be altered by law, which election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly. The returns for every election of Governor shall be sealed up by the

managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives; and transmitted to the Governor or the person exercising the duties of Governor for the time being; who shall, without opening the said returns, cause the same to be laid before the Senate, on the day after the two Houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives. The members of each branch of the General Assembly shall convene in the Representative Chamber, and the President of the Senate, and the Speaker of the House of Representatives shall open and publish the returns in presence of the General Assembly; and the person having the majority of the whole number of votes given in shall be declared duly elected Governor of this State; but if no person have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the Legislature to elect, the General Assembly shall immediately elect a Governor *viva voce* and in all cases of election of a Governor by the General Assembly, a majority of the votes of the members present shall be necessary for a choice. Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

3. No person shall be eligible to the office of Governor who shall not have been a citizen of the United States twelve years, and an inhabitant of this State six years, and who hath not attained the age of thirty years.

4. In case of the death, resignation or disability of the Governor, the President of the Senate shall exercise

the executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the executive power of the Government until the removal of the disability or the election and qualification of a Governor.

5. The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear, or affirm (as the case may be), that I will faithfully execute the office of Governor of the State of Georgia; and will, to the best of my abilities, preserve, protect and defend the Constitution thereof, and of the Constitution of the United States of America."

## SECTION 2.

1. The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof.

2. He shall have the power to grant reprieves for offences against the State, except in cases of impeachment, and to grant pardons or to remit any part of a sentence, in all cases after conviction, except for treason or murder, or other capital offences, in which cases he may respite the execution, and make report thereof to the next General Assembly.

3. He shall issue writs of elections to fill vacancies that happen in the Senate or House of Representatives, and shall have power to convene the General Assembly on extraordinary occasions; and shall give them, from

time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

4. When any office shall become vacant by death, resignation or otherwise, the Governor shall have power to fill such vacancy unless otherwise provided for by law; and persons so appointed shall continue in office until a successor is appointed agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

5. A person once rejected by the Senate shall not be reappointed by the Governor to the same office during the same session or the recess thereafter.

6. The Governor shall have the revision of all bills passed by both Houses, before the same shall become laws, but two-thirds of each House may pass a law notwithstanding his dissent; and if any bill shall not be returned by the Governor within five days (Sundays excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation and disapprove any other appropriation in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

7. Every vote, resolution, or order, to which the concurrence of both Houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor; and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of each House, according to the rules and limitations prescribed in case of a bill.

8. There shall be a Secretary of State, a Comp-

troller General, a Treasurer and Surveyor General elected by the General Assembly, and they shall hold their offices for the like period as the Governor, and shall have a competent salary, which shall not be increased or diminished during the period for which they shall have been elected. The General Assembly may at any time consolidate any two of these offices and require all the duties to be discharged by one officer.

9. The great seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing but by order of the Governor or General Assembly; and that used previously to the year 1861, shall be the great seal of the State.

10. The Governor shall have power to appoint his own Secretaries, not exceeding two in number.

Mr. Simmons of Gwinnett, introduced the following resolution, and moved that the rules be suspended and the resolution taken up:

*Resolved*, That the committee of sixteen be instructed to report such amendments to the Constitution as will provide that no person shall be eligible to hold the office of Governor of this State, or a seat in either branch of the General Assembly thereof, or of Senator or Representative from this State in the Congress of the United States, for two consecutive terms.

The Convention refused to suspend the rule.

Mr. Hill of Morgan, moved to strike out the word "two," before yeas and insert in lieu thereof, the word "four," in the 1st paragraph of the 1st section of the 3rd article.

Mr. Kenan moved to suspend the order and take up the report of the committee appointed to memorialize the President of the United States in behalf of Jefferson Davis, Alexander H. Stephens and others.

Agreed to.

Whereupon the report of the committee was adopted.

Mr. Kenan introduced the following resolution:

*Resolved*, That the foregoing memorial, signed by the President, and attested by the Secretary of the Convention, be transmitted to the President of the United States

Adopted.

On motion of Mr. Rawls the Convention took a recess until 3:30 o'clock this afternoon.

3:30 O'Clock, P. M.

The Convention reassembled.

On motion of Mr. deGraffenried, the rule was suspended, and he introduced the following resolution:

*Resolved*, That the President of this Convention appoint a committee of five, to be styled the committee on the journals, whose duty it shall be to examine and approve the daily journal of this Convention, before its submission to the public printer for publication.

Adopted.

The President announced the following as that committee:

Messrs. deGraffenried, of Baldwin,  
Roberts of Warren,  
Wright of Dougherty,  
Candler of DeKalb,  
Atkinson of Camden.

Leave of absence was granted to Messrs. Crawford of Greene, King of Greene, Johnson of Spalding, and McCroan of Bulloch.

Mr. Boyd, under leave, introduced the following resolution:

*Resolved by the people of Georgia in Convention assembled,* That our Senators and Representatives in the next Congress of the United States be requested to urge upon the proper authorities, the early resumption of coining gold in the branch mint at Dahlonega, Georgia.

Mr. Matthews, of Upson, introduced the following resolution:

*Resolved,* That the auditing committee be authorized to have 300 blanks printed for the use of said committee.

Adopted.

Mr. Hand, under leave, introduced the following resolution:

*Resolved,* That the 5th rule be amended by adding the words "nor shall any member be permitted to occupy the floor more than fifteen minutes at one time."

Mr. Giles, under leave, introduced the following ordinance, which being twice read, was referred to the committee of sixteen:

### AN ORDINANCE

To declare valid certain sales and investments made by, and payments made to executors, administrators, guardians and other trustees in this State.

1. *Be it ordained by the people of Georgia, in Convention assembled,* That all sales and investments made by, and payments made to, executors, administrators, guardians and other trustees in this State, in good faith, in pursuance of the Acts of the Legislature of the State of Georgia, passed since the adoption of the ordinance commonly called the ordinance of secession, be and they are hereby declared valid.

Mr. Wright of Coweta, under leave, introduced the following resolution, which was agreed to:

*Resolved,* That the committee of sixteen, be instructed to report by ordinance or otherwise, some mode other than by the Governor, of the appointment or election of the officers and employees of the Western and Atlantic Railroad.

Mr. Hopkins, under leave, introduced the following resolution:

*Resolved,* That the Hon. Wm. M. Burwell, an old and highly respected citizen of Virginia, now present, be invited to a seat on this floor.

Agreed to.

The unfinished business which was the report of the committee of sixteen on the Constitution, being resumed and Mr. Hick's amendment being in order, on motion of Mr. Hansell the motion was divided and on the question to strike out the word "two" the yeas and nays were called for and ordered.

Those who voted in the affirmative were Messrs.:

Adair,	Anderson of Chatham,
Adams of Putnam,	Atkinson of Troup,
Alexander of Thomas,	Atkinson of Camden,



Barksdale,	Hudson of Brooks,
Barlow,	Holmes,
Barnes,	Harris of Clark,
Brassell,	Harris of Hancock,
Baxter,	Hook,
Bell of Webster,	Hand,
Bethune,	Hansell,
Blance,	Harvey,
Black of Screven,	Harlan,
Black of Walker,	Hood,
Blount,	Jenkins,
Brady,	Johnson of Clark,
Brightwell,	Jones, M. D., of Burke,
Callaway,	Jones, R. T., of Burke,
Christy,	Jordan,
Cochran of Wilkinson,	King of Richmond,
Cohen,	Lamar,
Covington,	Lawson,
Crawford of Decatur,	Lawrence,
Cumming,	Lewis of Greene,
Cutts,	Logan of Bibb,
Dart,	Lovett,
Davis of Jackson,	Lloyd,
Doyal,	Moore of Webster,
Dowda,	Morgan,
Driver,	Manning,
DuBose,	Marler,
Dunn,	Martin of Carroll,
Dupree,	Martin of Echols,
Grant,	Martin of Habersham,
Giles,	Matthews of Washington,
Glover,	McCrary,
Herring,	McDuffie of Pulaski,
Hill of Morgan,	McIntyre,
Hill of Troup,	Merrill,
Holt of Bibb,	Neal,
Humber,	

Norman,	Strickland,
Parrott,	Thompson of Jackson,
Parks,	Thompson of Gordon,
Patton,	Tison,
Pendleton,	Trice,
Redding,	Turner of Quitman,
Reese,	Walker of Carroll,
Riley of Taylor,	Walker of Richmond,
Robinson of Early,	Warren of Pulaski,
Rogers of Gordon,	Warren of Houston,
Rogers of Milton,	Ware,
Saffold,	Winn,
Scott,	Williams of Ware,
Scarlett,	Wikle,
Sharpe,	Willingham,
Shockley,	Wimberly,
Simmons of Gwinnett,	Wootten of DeKalb,
Simmons of Crawford,	Wright of Coweta,
Skelton,	Wright of Dougherty.
Smith of Coweta,	

Yeas, 118.

Those who voted in the negative were Messrs.:

Adams of Elbert,	Bivins,
Allen,	Bower,
Alexander of Pike,	Bowen,
Anderson of Cobb,	Boyd,
Arnold of Henry,	Brantley,
Arnold of Walton,	Brewer,
Ashley,	Brewton of Bulloch,
Bacon,	Burts,
Bagley,	Bush,
Barnett,	Cabaniss,
Bell of Forsyth,	Cameron,

Candler,	Harris of Worth,
Chandler,	Highsmith,
Clark,	Hammond,
Clements,	Howard of Bartow,
Cochran of Terrell,	Howard of Towns,
Cole,	Hopps,
Colley,	Hays,
Cook,	Huie of Clayton,
Cureton,	Huie of Fayette,
Dailey,	Hail,
DeGraffenried,	Irwin,
Dickey,	Jackson,
Dixon,	Johnson of Spalding,
Dorminy,	Johnson of Heard,
Dorsey,	Jones of Columbia,
Douglass,	Kelley,
Ellington of Clayton,	Kirkland,
Ellington of Gilmer,	Kirksey,
England,	Kenan,
Edwards,	King of Rabun,
Fowler,	Kimbrow,
Freeman,	Knight,
Fraser,	Lassetter,
Felton,	Lewis of Dooly,
Floyd,	Logan of White,
Gordon,	Logan of Dawson,
Gunnels,	Luffman,
Goode of Houston,	Middleton,
Goode of Pickens,	Monroe,
Graham,	Moore of Floyd,
Henry,	Morel,
Horne,	Morris,
Hopkins,	Murphry,
Hudson of Schley,	Mallard,
Hudson of Wilkinson,	Maples,
Harris of Taliaferro,	Matthews of Oglethorpe,
	Matthews of Upson,

Mattox,  
McCroan,  
McCutchen,  
McDaniel,  
McDuffie of Marion,  
McGregor,  
McLeod,  
McRae of Montgomery,  
McRae of Telfair,  
Nash,  
Newsom,  
Nichols,  
Pafford,  
Parker of Johnson,  
Parker of Murray,  
Paulk,  
Penland,  
Powell,  
Puckett,  
Quillian,  
Rawls,  
Reynolds,  
Richardson,  
Ridley of Troup,  
Ridley of Jones,  
Riley of Lumpkin,  
Roberts of Dooly,  
Roberts of Echols,  
Roberts of Warren,  
Robinson of Laurens,  
Rouse,  
Rumph,  
Sale,  
Scruggs,

Seward,  
Shannon,  
Sharman,  
Singleton,  
Smith of Bryan,  
Solomon,  
Sorrels,  
Stapleton,  
Stephens,  
Stewart,  
Taliaferro,  
Thompson of Haralson,  
Thomas,  
Turk,  
Turner of Campbell,  
Turnipseed,  
Underwood,  
Watkins,  
Warner,  
Watts,  
Watson,  
Weaver,  
Whitaker,  
Whelchel,  
Williams of Bryan,  
Williams of Muscogee,  
Williams of Haralson,  
Williams of Harris,  
Womack,  
Wooten of Terrell,  
Wright of Emanuel,  
Young,  
Zachery.

Nays, 162.

So the motion to strike out was lost.

Mr. Irwin moved to amend the 1st paragraph of the 1st section of the 3rd article by adding after the word "qualified" the words "and shall not be eligible to re-election after the expiration of a second term for the period of four years."

Agreed to, and the paragraph as amended was adopted.

Paragraphs 2, 3, 4 and 5 were agreed to.

Paragraph 1st of the 2d section was adopted.

Mr. Hill, of Morgan, moved to amend paragraph 2d, by adding after the word "sentence" the words "or to commute by substituting some other punishment."

Lost.

The 3, 4, 5, 6, 7 and 8th paragraphs were agreed to.

Mr. Simmons moved to amend the 9th paragraph by adding at the end of the paragraph the words "until altered by law."

Lost.

The 10th paragraph was adopted.

Mr. Kenan moved to take up the "Ordinance to request and authorize the Provisional Governor of Georgia to borrow on credit of this State a sufficient sum of money to pay what may be due on the civil list, and what may become due thereon until by the collection of taxes the State may dispense with loans, and to extend the power to the Governor to be elected by the people in a certain contingency."

The ordinance was taken up and twice read.

Mr. Kenan added the following amendment, which was agreed to:

“And that the bonds upon which such loans may be made shall be countersigned by the Treasurer.”

Mr. Doyal proposed the following amendment:

*And be it further Ordained*, That to effect the loan aforesaid, the Provisional Governor be, and he is hereby, authorized to issue bonds of the State of Georgia in such amounts as may be deemed necessary, bearing interest at the rate of — per cent. per annum, payable semi-annually, and to run for not more than five years, and to be negotiated at a discount not exceeding — per cent., and for the purpose aforesaid he is hereby authorized to employ an agent at a compensation of not exceeding — dollars.

Mr. Hansell moved to fill the first blank with the word “eight.” Lost.

Mr. Martin of Habersham, moved to fill with the words “not more than seven.”

Agreed to.

Mr. Doyal moved to fill the second blank with the words “twenty-five.”

Lost.

Mr. Doyal moved then to fill with the word “ten.”

Agreed to.

Mr. Hill moved to amend by inserting after the word “necessary” the words “not to exceed five hundred thousand dollars.”

Agreed to.

Mr. Parrott moved to strike out all after the words "per cent." (last mentioned.)

Agreed to.

Mr. Barnes moved to insert after the word "annually," the words "in national currency."

Pending which Mr. Jenkins moved that the original ordinance, with amendments, be referred to a special committee of three, with instructions to report tomorrow morning.

Agreed to.

The President appointed the following as that committee:

Messrs. King of Richmond,  
Doyal of Spalding,  
Warner of Meriwether.

On motion the Convention adjourned until 9:30 o'clock a. m., tomorrow.

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TUESDAY, OCTOBER 31st, 1865,

9:30 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and after prayer by Rev. Mr. Flinn, of this city, the journal of yesterday was read.

Mr. Harris of Worth, gave notice that he should move to reconsider so much of the journal of yesterday as refers to the Freedman's Bureau.

Mr. Thomas gave notice that he should move to reconsider so much of the journal of yesterday as records

the action of the Convention on the 1st paragraph, 1st section, 3d Article of the Constitution.

On motion of Mr. Chappell of Muscogee, leave of absence was granted Mr. Holt of Muscogee, for the balance of the session on account of sickness.

The following message was received from His Excellency James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit:

*Mr. President:* I am directed by the Governor to deliver to the Convention a communication in writing, in response to a resolution of inquiry relative to certain cotton owned by the State of Georgia.

(See page 53.)

On motion of Mr. Kenan, the message was taken up and read together with the accompanying documents, and on motion of Mr. Wikle of the county of Bartow, were referred to a committee of seven, consisting of

Messrs. Wikle of Bartow,  
Cohen of Chatham,  
King of Richmond,  
Floyd of Newton,  
Warren of Houston,  
Adams of Putnam,  
Williams of Muscogee.

Mr. Cohen of Chatham, asked to be excused from serving on said committee. Not excused.

Mr. Cook of Macon, moved to have 1,000 of the message and documents printed, which was lost.



Mr. Cochran moved to print 325 copies.

Agreed to.

Mr. Morgan of Dougherty, introduced the following resolution, which was taken up, read and adopted:

WHEREAS, two telegrams, one from the President of the United States, and the other from his Secretary of State, have been received and read to this Convention, indicating in rather plain terms what course should be pursued by this Convention in relation to the State debt of Georgia, contracted to carry on the war, which telegrams both refer to communications received from the Provisional Governor of this State. It is therefore

*Resolved*, That a committee of three be appointed from this body by the chair and required to call upon the Provisional Governor, James Johnson, for a copy of the telegrams sent by him to Washington, and all communication between him and the department in Washington relating thereto.

The President announced the following committee under the above resolution:

Messrs. Morgan of Dougherty,  
Warren of Pulaski,  
Jordan of Jasper.

Mr. Mallard of Liberty, introduced the following resolution, which was read and laid over under the rule:

WHEREAS, rigid economy in the public expenditures is an element of strength in republican governments,

*Resolved*, That the multiplication of unnecessary officers is condemned by the people of Georgia.

*Resolved*, That this Convention respectfully but earnestly recommends to the General Assembly, whose duty it shall be to fix by law the salaries of executive, legislative and judiciary officers, that said salaries ought not to exceed adequate compensation for services actually rendered.

Mr. Martin, of Habersham, introduced the following ordinance, which was twice read:

### AN ORDINANCE

To legalize and make valid the civil and criminal laws in the Code of Georgia.

*Be it ordained by the people of Georgia, in Convention assembled, and it is hereby ordained by the authority of the same*, That all laws and parts of laws both civil and criminal contained in the new code of Georgia, which are not repugnant, derogatory or in violation of the Constitution of the United States, nor the Constitution adopted by this Convention, and which have not been repealed or changed heretofore by the Legislature, be, and the same are, hereby declared and made valid and of full force and effect in the State of Georgia, and that the same shall so remain until changed, altered or modified by the Legislature of this State, except in such cases, if any, as may be changed or altered by this Convention.

Mr. Matthews of Oglethorpe, introduced the following resolution, which was read the first time:

*Resolved*, That the committee of sixteen be and is hereby instructed to take into consideration the necessity of providing for the temporary organization of one or

more militia companies in each county in the State, and report to this Convention by ordinance or otherwise.

Mr. Parrott from the special committee to whom was referred an ordinance to prevent the levy and sale of the property of debtors under execution until the adjournment of the first session of the next legislature, etc., reported the following ordinance, and recommended its adoption:

### AN ORDINANCE

To prevent the levy and sale of the property of debtors under execution, until the adjournment of the first session of the next legislature or until otherwise directed, if before that time.

*Be it ordained by the people of Georgia, in Convention assembled,* That there shall be no levy or sale of property of defendants in this State under execution, founded on any judgment, order or decree, except executions for cost or rules against officers for money, and except in cases where defendants reside without the State have absconded, are absconding or are about to remove their property without the limits of any county in this State, until the adjournment of the first session of the next legislature, or until the legislature shall otherwise direct, if before that time.

*Be it further ordained,* That any officer or other person violating this ordinance, shall be guilty of trespass and liable to be sued in any court of this State having proper jurisdiction; and the measure of damages shall be the injury resulting to the injured party by reason of said trespass.

*Be it further ordained*, That the statutes of limitation now of force in this State, be, and the same are, hereby suspended in all cases affected by this ordinance until the adjournment of the first session of the next legislature, or until the legislature shall otherwise direct, if before that time.

The report of the committee was taken up and the ordinance read the third time.

Mr. McIntyre of Thomas, proposed the following as an additional section:

*And be it further ordained*, That the statutes of limitations in all cases, civil and criminal, be, and the same are, hereby declared to be and have been suspended from the 19th day of January, 1861, and shall continue until civil government is fully restored, or until the legislature shall otherwise direct.

The amendment was agreed to and the report of the committee as amended was adopted.

Mr. Cabaniss introduced the following ordinance which was read twice:

### AN ORDINANCE

To provide for the payment of the officers and members of this Convention.

*Be it ordained*, That the sums of ten dollars per day be paid to the President of this Convention during the present session, and the sum of five dollars for every twenty miles of travel going to and returning from the seat of government, to be computed by the nearest route

usually travelled; the sum of six dollars each, per day, to the members of the Convention, and the sum of five dollars for every twenty miles of travel, going to and returning from the seat of government under the same rules which apply to the President; the sum of six dollars, each, per day, to the Doorkeeper, Messenger and Assistant Messenger, and the same mileage as is paid to the members of the Convention; and the sum of eight dollars per day to the Secretary, and seven dollars per day each to the Assistant Journalizing, Engrossing and Enrolling Clerks.

Mr. Jenkins, chairman of the committee of sixteen, reported the 4th article of the Constitution, which was taken up, read twice, and taken up by sections.

The article was as follows:

#### ARTICLE IV.

##### SECTION 1.

1. The Judicial powers of this State shall be vested in a Supreme Court, for the correction of errors, a Superior, Inferior, Ordinary and Justice's Courts, and in such other Courts as have been, or may be, established by law.

2. The Supreme Court shall consist of three Judges, who shall be elected by the General Assembly, for such term of years—not less than six—as shall be prescribed by law, and shall continue in office until their successors shall be elected and qualified; removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

3. The said Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors in law and equity from the Superior Courts of the several Circuits, from the City Courts of the cities of Savannah and Augusta, and such other like Courts as may be hereafter established in other cities; and shall sit "at the seat of Government" at such time or times in each year as the General Assembly shall prescribe, for the trial and determination of writs of error from the several Superior Courts included in such judicial districts.

4. The said Court shall dispose of and finally determine every case on the docket of such Court, at the first or second term after such writ of error brought; and in case the plaintiff in error shall not be prepared at the first term of such Court, after error brought, to prosecute the case, unless precluded by some Providential cause from such prosecution, it shall be stricken from the docket and the judgment below affirmed. And in any case that may occur, the Court may, in its discretion, withhold its judgment until the term next after the argument thereon.

## SECTION 2.

1. The Judges of the Superior Courts shall be elected in the same manner as Judges of the Supreme Court, from the circuits in which they are to serve, for the term of four years, and shall continue in office until their successors shall be elected and qualified, removable by the Governor of the State.

2. The Superior Court shall have exclusive jurisdiction in all cases of divorce, both total and partial; but no total divorce shall be granted except on the concurrent verdicts of two special juries. In each divorce case, the Court shall regulate the rights and disabilities of the parties.

3. The Superior Courts shall also have exclusive jurisdiction in all criminal cases, except as relates to fines for neglect of duty, contempts of Court, violation of road laws, obstructions of water courses, and in all other minor offenses which do not subject the offender or offenders to loss of life, limb or member, or to confinement in the penitentiary; jurisdiction of all such cases shall be vested in such County or Corporation Courts, or such other Courts, judicatures, or tribunals as now exist, or may hereafter be constituted, under such rules and regulations as the legislature may have directed, or may hereafter by law direct.

4. All criminal cases shall be tried in the county where the crime was committed, except in cases where a jury can not be obtained.

5. The Superior Court shall have exclusive jurisdiction in all cases respecting titles to land, which shall be tried in the county where the land lies; and also in all equity causes which shall be tried in the county where one or more of the defendants reside, against whom substantial relief is prayed.

6. It shall have appellate jurisdiction, in all such cases as may be provided by law.

7. It shall have power to correct errors in inferior judicatories by writ of *certiorari*, and to grant new trials in the Superior Court on proper and legal grounds.

8. It shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs, which may be necessary for carrying its powers fully into effect.

9. The Superior Court shall have jurisdiction in all other civil cases, and in them the General Assembly may give concurrent jurisdiction to the Inferior Court, or such other county courts as they may hereafter create, which cases shall be tried in the county where the party resides.

10. In cases of joint obligors, or joint promissors or co-partners, or joint trespassers residing in different counties, the suit may be brought in either county.

11. In case of a maker and indorser, or indorsers of promissory notes residing in different counties in this State, the same may be sued in the county where the maker resides.

12. The Superior Court shall sit in each county twice in every year, at such stated times as have been or may be appointed by the General Assembly, and the Inferior and County Court at such times as the General Assembly may direct.

### SECTION 3.

1. The judges shall have salaries adequate to their services fixed by law, which shall not be diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

2. There shall be a State's Attorney and Solicitors elected in the same manner as the Judges of the Supreme Court, and commissioned by the Governor, who shall hold



their offices for the term of four years, or until their successors shall be appointed and qualified, unless removed by sentence or impeachment, or by the Governor, on the address of two-thirds of each branch of the General Assembly. They shall have salaries adequate to their services fixed by law, which shall not be diminished during their continuance in office.

3. The Justice or Justices of the Inferior Court, and the Judges of such other County Courts as may by law be created, shall be elected in each county by the persons entitled to vote for members of the General Assembly.

4. The Justices of the Peace shall be elected in each district by the persons entitled to vote for members of the General Assembly.

5. The powers of a Court of Ordinary and Probate shall be vested in an Ordinary for each county, from whose decisions there may be an appeal to the Superior Court, under regulations prescribed by law. The Ordinary shall be *ex-officio* clerk of said Court, and may appoint a deputy clerk. The Ordinary, as clerk, or his deputy, may issue citations and grant temporary letters of administration, to hold until permanent letters are granted; and said Ordinary, as clerk, or his deputy, may grant marriage licenses. The Ordinaries in and for the respective counties shall be elected, as other county officers are, on the first Wednesday in January, 1868, and every fourth year thereafter, and shall be commissioned by the Governor for the term of four years. In case of any vacancy of said office of Ordinary, from any cause, the same shall be filled by election, as is provided in relation to other county officers, and until the same is filled,

the Clerk of the Superior Court for the time being, shall act as clerk of said Court of Ordinary.

Mr. Wright of Coweta, moved to suspend the rule for the purpose of allowing him to introduce a resolution, and accepted the amendment of Mr. Stapleton to allow the introduction of all new matter.

The rule was suspended.

Mr. Wright introduced the following resolution, which was read and lies over under the rule:

WHEREAS, a difference of opinion exists among the people of Georgia, as to the obligation resting upon them to pay the debt contracted for the purpose of carrying on the war; and whereas part of the debt of the State contracted during the war was for other purposes, about which there can be no difference, as in case of that part which was made in payment for stock in the Atlantic and Gulf Railroad, which stock is still the property of the State, and that part which was in payment of the salaries of judges and other public officers which was necessary to maintain government, and keep order at home during the war and that part which was for money to meet the calls of humanity upon the State. Be it therefore

*Resolved*, That a committee of three be appointed to ascertain what part of said debt was contracted for the purposes of carrying on the war and what part for other purposes, and that said committee report the fact to the General Assembly of this State for their action.

Mr. Rawls of Effingham, submitted the following resolution, which was read once and lies over under the rule.

WHEREAS, by the misfortunes and result of the late war, the people of the State of Georgia have in a great measure been left moneyless and many of them without any reasonable prospect at an early day of making money; and many, too, holders of large real estates, such as lands which are, from the embarrassed condition of the people, dormant and likely to remain so for some time to come; to the owners of which it would be a great sacrifice to force a sale of such property at this time to meet the tax demands of the State and General Government; therefore

*Resolved*, That this Convention most respectfully recommends for the consideration of the ensuing Legislature, and urges upon them the passage of some bill based upon the credit of this State which will as far as practicable relieve the people of an immediate burdensome tax, both from the State and General Government, until the pecuniary condition of the country will better enable the people to otherwise meet these demands.

Mr. Harris, of Worth, moved to reconsider so much of the journal of yesterday as refers to the action of the Convention upon the communication of Brigadier General Tillson, Acting Assistant Commissioner of Bureau of Refugees, Freedmen and Abandoned Lands, and the resolution and ordinance reported by the committee of sixteen upon that subject.

The chair decided the motion out of order.

Mr. Harris moved to suspend the rule in order to move the reconsideration at this time.

The Convention refused to suspend the rule.

The unfinished business being resumed, the 1st para-

graph of the 1st section of the 4th article of the Constitution was agreed to.

Mr. Hill of Morgan, moved to amend the 2d paragraph of the 1st section of the 4th article by inserting after the word "years" the words "not less than six years."

Agreed to.

Mr. Whitaker moved to amend the same paragraph by striking out the words "elected by the General Assembly" and inserting in lieu thereof the words "appointed by the Governor by and with the advice and consent of two-thirds of the Senate."

Upon which amendment he called the yeas and nays.

The yeas and nays were ordered and resulted—yeas, 61; nays, 208.

Those who voted in the affirmative are Messrs.:

Alexander of Thomas,	Dart,
Anderson of Chatham,	Dorsey,
Anderson of Cobb,	Dowda,
Atkinson of Camden,	DuBose,
Barksdale,	Edwards,
Brassell,	Herring,
Blance,	Hudson of Schley,
Black of Screven,	Harris of Clarke,
Boyd,	Harris of Hancock,
Brewton of Bulloch,	Hook,
Cohen,	Highsmith,
Cole,	Hopps,
Covington,	Hansell,
Crawford of Decatur,	Harvey,

Jenkins,	Norman,
Johnson of Clark,	Parrott,
Kirksey,	Parker of Johnson,
King of Greene,	Rawls,
Lamar,	Reese,
Lawson,	Robinson of Early,
Lawrence,	Rumph,
Lewis of Greene,	Scott,
Logan of Dawson,	Seward,
Lloyd,	Scarlett,
Monroe,	Smith of Bryan,
Moore of Floyd,	Tison,
Matthews of Washington,	Walker of Richmond,
McCrary,	Whitaker,
McGregor,	Winn.
McIntyre,	
Nichols,	

Those who voted in the negative are Messrs.:

Adair,	Bethune,
Adams of Elbert,	Bivins,
Adams of Putnam,	Black of Walker,
Allen,	Bower,
Alexander of Pike,	Bowers,
Arnold of Henry,	Blount,
Arnold of Walton,	Bowen,
Ashley,	Brady,
Atkinson of Troup,	Brantley,
Bacon,	Brewer,
Bagley,	Brightwell,
Barnes,	Burts,
Barnett,	Bush,
Baxter,	Cabaniss,
Bell of Forsyth,	Callaway,
Bell of Webster,	Cameron,

Candler,  
Chandler,  
Chappell,  
Christy,  
Clark,  
Clement,  
Cochran of Terrell,  
Cochran of Wilkinson,  
Cook,  
Cumming,  
Cutts,  
Cureton,

Davis of Jackson,  
Dailey,  
DeGraffenried,  
Dickey,  
Dixon,  
Dorminy,  
Doyal,  
Driver,  
Dunn,  
Dupree,

Ellington of Clayton,  
Ellington of Gilmer,

Fowler,  
Freeman,  
Fraser,  
Felton,  
Floyd,

Grant,  
Gordon,  
Gillis,  
Gibson,  
Gunnels,  
Giles,  
Goode of Houston,

Goode of Pickens,  
Glover,  
Graham,  
  
Henry,  
Horne,  
Hill of Morgan,  
Hill of Troup,  
Holt of Bibb,  
Hopkins,  
Humber,  
Hudson of Brooks,  
Hudson of Wilkinson,  
Holmes,  
Harris of Taliaferro,  
Harris of Worth,  
Hammond,  
Howard of Towns,  
Hand,  
Harlan,  
Hood,  
Hail,

Irwin,

Johnson of Campbell,  
Johnson of Heard,  
Johnson of Spalding,  
Johnson of Wilcox,  
Jones of Columbia,  
Jones, M. D., of Burke,  
Jordan,

Kelley,  
Kirkland,  
Kenan,  
King of Rabun,  
King of Richmond,  
Kimbrow,  
Knight,

Lasseter,  
Lewis of Dooly,  
Logan of White,  
Logan of Bibb,  
Lovett,  
Luffman,

Middleton,  
Moore of Webster,  
Morel,  
Morgan,  
Morris,  
Murphry,  
Mallard,  
Maples,  
Marler,  
Martin of Carroll,  
Martin of Echols,  
Martin of Habersham,  
Matthews of Oglethorpe,  
Matthews of Upson,  
Mattox,  
McCroan,  
McCutchen,  
McDaniel,  
McDuffie of Marion,  
McDuffie of Pulaski,  
McLeod,  
McRae of Montgomery,  
McRae of Telfair,  
Merrill,

Nash,  
Neal,  
Newsom,

Pafford,  
Parker of Murray,  
Parks,  
Patton,

Paulk,  
Pendleton,  
Penland,  
Perry,  
Powell,  
Puckett,

Quillian,  
Redding,  
Reynolds,  
Richardson,  
Ridley of Troup,  
Riley of Lumpkin,  
Roberts of Dooly,  
Roberts of Echols,  
Roberts of Warren,  
Robinson of Laurens,  
Rogers of Gordon,  
Rogers of Milton,  
Rouse,

Saffold,  
Sale,  
Scruggs,  
Sharpe,  
Shannon,  
Sharman,  
Shockley,  
Simmons of Gwinnett,  
Simmons of Crawford,  
Singleton,  
Skelton,  
Smith of Coweta,  
Solomon,  
Sorrels,  
Stapleton,  
Stephens,  
Stewart,  
Strickland,

Taliaferro,	Welchel,
Thompson of Jackson,	Williams of Baker,
Thompson of Gordon,	Williams of Bryan,
Thompson of Haralson,	Williams of Muscogee,
Thomas,	Williamson of Haralson,
Trice,	Williams of Harris,
Turk,	Williams of Ware,
Turner of Campbell,	Wikle,
Turner of Quitman,	Willingham,
Turnipseed,	Wimberly,
Underwood,	Womack,
Walker of Carroll,	Wootten of DeKalb,
Warren of Pulaski,	Wright of Coweta,
Warren of Houston,	Wright of Dougherty,
Watkins,	Wright of Emanuel,
Watts,	Young,
Watson,	Zachery.
Weaver,	

So the motion was lost.

A message was received from His Excellency the Provisional Governor, by hand of his Secretary, L. H. Briscoe, Esq.

On motion the Convention took a recess until half past three o'clock, P. M.

3:30 O'Clock P. M.

The Convention re-assembled.

On motion of Mr. Blance the rule was suspended and the reading of the following message from the Provisional Governor ordered:



EXECUTIVE OFFICE,

MILLEDGEVILLE, Oct. 31, 1865.

*Gentlemen of the Convention:*

I have the honor herewith to transmit to you copies of telegrams sent by me on Friday last to the Secretary of State and His Excellency the President of the United States.

These telegrams and the replies to them before communicated, all exhibit the official intercourse I have had with the Government or any of its officers in relation to the debt of Georgia.

J. JOHNSON,

Provisional Governor of Georgia.

(COPY)

TO HON. WM. H. SEWARD,

*Secretary of State, Washington, D. C.*

We are pressed on the war debt, what should the Convention do?

J. JOHNSON,

Gov. Etc.

(COPY)

To His Excellency ANDREW JOHNSON,

*Pres. U. S., Washington, D. C.*

We need some aid to reject the war debt. Send me some word on the subject. What should the Convention do?

J. JOHNSON,

Prov. Gov. Ga.

On motion leave of absence was granted to Messrs. Cumming and Warner.

The consideration of the unfinished business being resumed, paragraph 2d of the 1st section of the 3d article of the Constitution as amended, was read and adopted.

Mr. Hammond moved to amend the 3d paragraph of 1st section of the 4th article by striking out the words "at the seat of Government," and inserting in lieu thereof the words "at three places to be designated by the General Assembly for that purpose."

Mr. Floyd moved as a substitute the words "at such times and places as the General Assembly shall hereafter designate." Lost.

Mr. Hammond's amendment was lost.

The 3d paragraph as reported was adopted.

Mr. Christy moved as a substitute for the 1st paragraph of the 2d section of the 4th article, the following:

The Judges of the Superior Courts shall be elected by the people of the several circuits on the first Wednesday in January next, and quadrennially thereafter, holding the office for the term of four years, or until their successors are elected and qualified, removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

Mr. Blance moved to lay the substitute on the table for the balance of the session. Carried.

Mr. Reese moved to strike out the words, "in the same manner as Judges of the Supreme Court from the circuits in which they are to serve for the term of four years," and insert in lieu thereof the words "on the first Wednesday in January immediately after the expiration of the term for which they, or either of them, may have been appointed or elected from the circuits in which they are to serve by the people of the circuit qualified to vote for the members of the General Assembly for the term of four years, and no other election except that of Attorney or Solicitor General shall be held at the same time and place.

Pending the discussion whereon the Convention adjourned until 9:30 o'clock a. m., to-morrow.

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WEDNESDAY, NOVEMBER 1st, 1865,

9:30 O'CLOCK, A. M.

Convention met pursuant to adjournment, and

after prayer by Rev. Mr. Flinn, the journal of yesterday was read.

Mr. Matthews of Oglethorpe, moved to suspend the rule and allow the introduction of new matter.

The rule was suspended.

Mr. Matthews introduced the following resolution, which was read, but the Convention refusing to take it up it lies over under the rule.

*Resolved*, That the committee of sixteen be, and is hereby, instructed to take into consideration the expediency of selling the Western and Atlantic Railroad, and applying the proceeds of the sale, or so much thereof as may be necessary, to the payment of the public debt of the State; or of dividing the capital stock of said road into shares and tendering the same, or so much thereof as may be necessary, to the creditors of the State in payment of their claims, according to the principles of justice and equity, and report to this Convention by ordinance or otherwise.

Mr. King of Richmond, chairman of the select committee to whom was referred an ordinance to request and authorize the Provisional Governor of Georgia to borrow on the credit of this State, a sufficient sum of money to pay what may be due on the civil list and what may become due thereon until by the collection of taxes the State may dispense with loans, and to extend the power to the Governor to be elected by the people in a certain contingency.

Reported the same back with the following amendments and recommends its passage:

1st, To insert after the word "to" in the fifth line first section the words "repay the temporary loans made by him" as reported to the Convention.

2d, To add to the original bill the following:

*And be it further ordained*, That to facilitate the negotiation of such loans in such sums and at such times as the wants of the State may require for the purposes aforesaid, the Governor is hereby authorized and required to sign and issue drafts, notes or bonds, countersigned by the Treasurer and payable at such times and on such terms and in such currency as may be deemed by him most conducive to the convenience and interests of the State; *provided*, that no obligation shall be contracted by him for a less time to run than twelve months, or for a longer time than five years; and *provided, also*, that on short securities not longer than twelve months to run, not exceeding a rate of ten per cent per annum shall be allowed; and *provided further*, that if said loan or any part of it be raised on bonds of more than one year to run, said bonds shall bear interest at the rate of seven per cent, payable half yearly, shall not exceed in the whole the sum of \$500,000, and shall not be sold at a discount on the par value of more than ten per cent. *And it is further provided*, that this ordinance shall not be construed to restrict or control the legislature in the exercise of a sound discretion in making or the foregoing purposes or any other want ate.

Report of the committee was taken up, the amendment to, and the ordinance as amended was read time and passed.

Mr. Cook of Macon, introduced the following resolution, which was read and lies over under the rule.

*Resolved*, That this Convention do hereby approve of and ratify the action of Joseph E. Brown, late Governor of this State, and of Provisional Governor James Johnson, in disavowing the authority of the agent of the State in the sale of 1,650 bales of cotton in Savannah, in November last.

*Resolved*, That His Excellency Provisional Governor Johnson, be, and he is hereby, authorized and required to adopt such measures and take such action as will secure and protect the interest of the State in said cotton.

Mr. Mallard introduced the following resolution, which was read and lies over under the rule:

*Resolved*, That no member of this Convention shall receive per diem compensation after leave of absence granted for the balance of the session, except said leave of absence be granted on account of sickness of himself or in his family.

Mr. Ridley, of Troup, offered the following resolution:

*Resolved*, That the Hon. Permedus Reynolds, of the county of Newton, Dr. John F. Moreland, of the county of Troup, and the Hon. Anderson W. Redding, of the county of Harris, be, and the same are, hereby appointed a commission to examine into and report to the General Assembly, at its next session, the true condition of the finances of the State of Georgia, the appropriations which have been made and for what purposes, how much for the military and how much for the civil departments of the Government, since the first of January, 1861, what

amount of bonds and Treasury notes have been issued during the same period of time, and for what purposes and how directed; what investments have been made in cotton, stocks or other securities and by what authority such investments were made, and a minute account of the public debt of whatever character, and the resources of the State upon which she may rely to pay such indebtedness, and that said committee have power to send for persons and papers.

*And be it further resolved,* That if either of the gentlemen above named shall fail to serve, then the remaining number of said commission shall have power to fill such vacancy so occurring; and that the General Assembly at its next session, make such appropriations as will compensate said committee for the services so performed.

The resolutions were read and lies over under the rule.

Mr. Barnes, chairman of the committee on enrollment, made the following

#### REPORT:

*Mr. President:* The committee on enrollment, report the following ordinances and resolutions as duly enrolled and ready for the signature of the President and attestation of the Secretary, to-wit:

An ordinance to prevent the levy and sale of the property of debtors under executions until the adjournment of the first session of the next Legislature, or until the Legislature shall otherwise direct, if before that time.

Also a resolution and accompanying ordinance, being a report from the committee of sixteen, in reference to a proposition from Brigadier General Tillson, Assistant Commissioner of Bureau Refugees Freedmen and Abandoned Lands, appointing certain officers and other citizens as officers of said Bureau.

Also, a resolution that a committee of five be appointed by the Chair to memorialize the President of the United States, in behalf of Jefferson Davis and others now confined as prisoners in Fort Pulaski, at the mouth of Savannah river.

Also, a memorial prepared by the committee appointed under the above resolution.

Also, a resolution that the memorial prepared by the special committee in behalf of Mr. Davis and others, be signed by the President, and attested by the Secretary of this Convention, and transmitted to the President of the United States.

Mr. Cohen, of Chatham, introduced the following ordinance: An Ordinance to provide for the sale of the Western and Atlantic Railroad.

*Be it ordained by the people of Georgia in Convention assembled,* That the Western & Atlantic Railroad, with all its appurtenances, is hereby valued at ten million two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and it shall be the duty of the Treasurer of this State to advertise said road for sale in all the papers published in this State for one month, allowing any and all citizens of this State, and no other persons, to take stock and pay for the same either in specie or the Treasury notes of the United



States, or in the bonds of the State of Georgia, issued prior to the 19th of January, 1861, including one hundred thousand dollars of bonds issued after that date for stock in the Atlantic and Gulf Railroad at par, or in any of the bonds issued by the State after that time at seventy-five cents on the dollar, or in any of the Treasury notes of the State known as the notes payable in specie or eight per cent. bonds at seventy-five cents in the dollar, or in any of the Treasury notes known as six per cent. notes, payable in specie or six per cent. bonds, at thirty-three and one-third cents in the dollar, or in any of the notes of the State which were payable in Confederate States' Treasury notes, or in Confederate States' notes, and receivable in payment of public dues at nineteen dollars in notes for one in stock, or in the Treasury certificates of the State issued in place of eight per cent. notes, or six per cent. notes, which shall be taken in lieu of the eight per cent. notes or the six per cent. notes which they represent, and at the same per cent. The above per cent. upon each State issued being its gold value at the date of the issue; *provided*, that each person or corporation in this State subscribing for stock shall pay into the Treasury of the State two per cent. on the whole amount of stock taken in specie or the Treasury notes of the United States. And the Treasurer of this State is hereby authorized and required to issue to such purchasers scrip for one share for every one hundred dollars subscribed and paid for as aforesaid; and the Treasurer is hereby directed to mark "paid" and file away all State bonds or notes and certificates taken up as aforesaid, and keep them subject to the direction of the General Assembly, and it shall be his duty to keep a book of stock in which shall be entered the name of each person or corporation taking stock, with the county of their residence, and a

statement of the kind of securities in which payment is received, and the Treasurer is hereby authorized to employ such numbers of clerks to aid him in counting said securities and issuing said stock and the keeping said book as His Excellency, the Governor, may think necessary for that purpose.

*And be it further ordained,* That such portion of the stock as may remain unsold shall be the property of the State 'til sold, and the State, as such stockholders, shall enjoy all the rights and privileges of other stockholders, and may at all meetings of the stockholders be represented by a commission appointed by the Governor for that purpose.

*And be it further ordained,* That so soon as five million dollars of said stock shall have been subscribed and paid for, the stockholders, including the State as such, until all the stock is taken be, and are hereby, declared to be a body corporate and politic, by the name and style of the Western & Atlantic Railroad Company, with all the rights, privileges and immunities of the Central Railroad and Banking Company, except that said company shall have no banking privileges unless hereafter given by the Legislature, and the stock held by individuals and corporations shall be subject to taxation by the Legislature as other railroad stock in the State is taxed.

*And be it further ordained,* That so soon as said sum of five millions of dollars of said stock is subscribed and paid for, it shall be the duty of the Governor to give notice for thirty days, in one, two or more newspapers in this State, that an election will be held at the capitol of the State, on a day mentioned in said notice, for seven Directors to manage the affairs of said Western & Atlantic Railroad Company, at which election

stockholders may vote in person or by proxy, each share represented at the meeeting being entitled to one vote.

*And be it further ordained,* That said board of directors shall have the power to elect all officers necessary to the proper management of the affairs of the company, who shall hold their offices for one year, unless sooner removed for good cause by the board of directors, and until their successors are elected and qualified.

*And be it further ordained,* That the meeting of the stockholders shall be annual for the election of directors at Atlanta.

*And be it further ordained,* That said sale of said road and its appurtenances shall in no way effect any pledge or mortgage of the road heretofore made by the State for any part of the indebtedness, but said company shall hold said road subject to all such liens or mortgages as the State may have given, till the debt intended to be secured thereby is entirely extinguished.

*And be it further ordained,* That no part of said State bonds or treasury notes issued since 19th January, 1861, shall be received in payment for said stock, or for any other purpose, unless they are presented at the treasury within four months after the date of the advertisement by the treasurer as hereinbefore directed to be made.

The ordinance was read twice, when Mr. Cohen moved to refer it to a select committee of seven.

Mr. Parrott moved its indefinite postponement.

The Chair decided the motion out of order.

Mr. Jenkins moved to lay the ordinance on the table

for the present, and that the Convention resume the consideration of the unfinished business.

The motion was agreed to.

The unfinished business being taken up, the consideration of the amendment of Mr. Reese was resumed, when Mr. Hammond moved the following amendments to Mr. Reese's amendment:

By inserting between the words "by" and the words "the people," the words "a majority vote of;" by striking out "four" and inserting "six" before the word "years" and by adding to the clause the words "vacancies to be filled as is provided by the laws of force prior to 1st January, 1861."

Mr. Reese accepted so much of the amendment as adds to the clause the words "vacancies to be filled as is provided by the laws of force prior to 1st January, 1861."

The motion was divided, and the motion to strike out "four" was lost.

The motion to insert "a majority vote of" was lost.

Mr. Dorsey moved to amend by striking out the words "the first Wednesday in January," and insert "the third Wednesday in July."

Mr. Hill, of Morgan, moved to amend by inserting "and the said Judges shall be required to alternate so as not to preside more than one regular term in two consecutive years in the same county, the mode of alternating to be prescribed by the Legislature." Which was lost.

Mr. Rawls moved to amend by striking out the words

"and no other election except that of Attorney or Solicitor-General shall be held at the same time and place."

The amendment was agreed to.

Mr. Cabaniss moved to amend by striking out the word "after" and inserting the word "before." Which was agreed to.

Mr. Dart, of Glynn, moved to insert after the word "January" in the first line, the words "until the Legislature shall otherwise direct." Which was agreed to.

Mr. Black, of Walker, offered the following as a substitute:

"The State shall be divided into ten Judicial Circuits. There shall be one Judge of the Superior Court elected for each circuit, in such manner as the General Assembly may prescribe, for the term of ---- years, who shall continue in office until his successor shall have been elected and qualified, removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon." Lost.

Mr. Reese's amendment as amended was adopted, and the paragraph as amended was adopted.

Mr. Hammond moved to amend the second paragraph by inserting after the word "juries," the words "at two sessions of the court." Lost.

The paragraph as reported was adopted.

The 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th ad and adopted.

aph being under consideration, Mr.

Cook moved to amend by inserting before the word "twice," the words "not less than."

Mr. Hansell offered the following as a substitute for the amendment of Mr. Cook:

After the word "year" the words "and as often as in the discretion of the presiding Judge may be necessary to dispose of the criminal business."

Pending the consideration of which the Convention took a recess until 3:30 o'clock P. M.

3:30 O'Clock, P. M.

The Convention re-assembled.

Mr. Hand moved a suspension of the rule to enable him to call up the resolution offered by him on Monday.  
Lost.

Mr. Wikle moved a like suspension, that he might offer a resolution calling on the Provisional Governor for additional information respecting the cotton belonging to the State which had been destroyed, etc. Lost.

The Convention proceeded to the consideration of the unfinished business—Mr. Hansell's substitute being the matter in order.

Mr. Boyd moved to amend the substitute by adding the words "upon the recommendation of the Grand Jury of the county where the called terms are to be held."  
Lost.

The substitute moved by Mr. Hansell was lost.

Mr. Cook's amendment was then agreed to, and the paragraph as amended was adopted.

Paragraph 1st of the 3rd section having been read, Mr. Martin, of Habersham, moved to amend by inserting after the word "diminished" the words "nor increased," which was agreed to, and the paragraph thus amended was adopted.

In the second paragraph, Mr. Lamar moved to strike out the word "supreme" and insert the word "superior," which was agreed to.

Mr. Martin, of Habersham, moved to amend the same paragraph by inserting after the word "diminished" the words "nor increased." Agreed to.

The paragraph as amended was adopted.

Mr. Dowda moved the following substitute for the 3rd paragraph of the 3rd section of the 4th article:

"The inferior court of each county in this State shall consist of one Judge elected by the qualified voters of the county on the first Wednesday in January next, and quadriennially thereafter, and shall continue in office until his successor is elected and commissioned by the Governor."

Rejected.

The paragraph as reported by the committee was adopted.

Mr. Trice moved to amend the 4th paragraph by adding the following words: "And the Justices' Court shall have jurisdiction as to all matters of contract where the amount involved does not exceed one hundred dollars." Lost.

The 4th paragraph as reported, was then adopted.

Mr. Williams, of Muscogee, moved to amend the 5th paragraph by inserting after the word "licenses" the words "and to here issue and determine writs of *habeas corpus*." Lost.

Mr. Turner, of Quitman, moved to amend the paragraph by conferring upon the Ordinaries authority to perform the marriage ceremony. Lost.

Mr. Goode, of Houston, moved to amend by striking out the figures "68" and inserting the figures "66."

Mr. Parrott moved to divide the question, which being agreed to the Convention refused to strike out.

Mr. Bethune moved to amend by striking out the words "Superior Court" and inserting after the words "the Clerk of the" the word "Ordinary." Also to strike out at the close of the sentence before the word "Ordinary" the words "the Clerk of the."

Mr. Bivins moved to amend by striking out the word "Clerk" wherever it occurs in the paragraph.

Mr. Hail called for the previous question, which call being sustained, the main question was then put and the paragraph as originally reported adopted.

Mr. Jenkins, chairman of the committee of sixteen, submitted the following

#### REPORT:

The committee of sixteen to whom the second article of the Constitution was recommitted with instructions to examine the various plans submitted to the Convention for the reduction of the General Assembly, and that may be referred to them by the members of the Conven-



tion, and to report an amendment of said article for accomplishment of that object, respectfully submit the following:

That should the Convention adopt their suggestions relative to reduction, the scheme of the representation embraced in the article as first reported by them shall govern the representation in the General Assembly which shall first come under this Constitution, so amended as to fix that limit upon it. To be inserted after the first clause of the 2nd section of the 2nd article.

2. It shall be the duty of the General Assembly, at its first session after the adoption of this Constitution, to arrange the counties into thirty-three Senatorial Districts each, including four contiguous counties, and each of said districts shall be entitled to one Senator. If a new county be created it shall be added to a district which it adjoins. The Senatorial Districts may be changed by the General Assembly; but only at the first session after the taking of each successive census by the United States Government, and their number shall never be increased.

To be inserted after the first clause of the third section of the second article the following:

The House of Representatives of the second and all subsequent General Assemblies under this Constitution, shall be constituted as follows: Each of the thirty-six counties having the largest representative population, shall be a representative district. The remaining counties shall be arranged into representative districts, each including two contiguous counties, in such manner as will give the nearest approximation to equality in the population of the several districts so formed. If in the formation of the districts as above directed there be a

county not being one of the thirty-six having the largest representative population, and not adjoining one of the class of smaller counties, not yet placed in representative district, it shall be added to that adjoining representative district which may have the lowest population numerically. The designation of each county entitled to be a representative district and the arrangement of the other counties into districts shall be made anew by the first General Assembly after each successive census taken by the Government of the United States; if a new county be created it shall be attached to the adjoining representative district having the lowest representative population numerically, and the number of representative districts shall never exceed eighty-four.

If the clause reducing the Senate be adopted, the first clause of the second section of this article should be amended by striking out all before the words "the first district of" and inserting in lieu thereof the following:

"In the Senate first elected under this Constitution, there shall be forty-four Senators, each elected from a district constituted as follows," and the last sentence of that clause be stricken out.

If the clause reducing the House of Representatives be adopted, the first clause of the third section should be stricken out, and the following inserted in lieu thereof.

The House of Representatives of the first General Assembly under this Constitution, shall be composed as follows: The thirty-seven counties having the largest representative population shall have two representatives each, every other county shall have one representative.

Which being taken up, the 1st paragraph of the 2nd section of the 2nd article was read.

Mr. Hansell moved to adopt the paragraph as reported by the committee, which motion prevailed.

The 1st paragraph of the 2nd section of the 2nd article being under consideration.

Mr. Jenkins moved to amend the 1st paragraph of the 2nd section of the 2nd article of the Constitution, by striking out all before the words "the first district of" and inserting in lieu thereof the following: "In the Senate first elected under this Constitution, there shall be forty-four Senators, each elected from a district constituted as follows," which was adopted.

Mr. Jenkins also moved further to amend said paragraph by striking out the latter clause, to-wit:

"If a new county be established, it shall be added to a district which it adjoins. The Senatorial Districts may be changed by the General Assembly, but only at the first session after the taking of each new census by the United States Government, and their number shall never be increased." Which was agreed to.

The Convention then proceeded to the consideration of the 1st paragraph of the third section of the second article, as proposed to be amended by the report of the committee proposing reduction.

When Mr. Martin moved as a substitute for the paragraph the following: "The House of Representatives shall be composed of one Representative from each county in this State."

Pending the discussion which ensued, the Convention,  
f Mr. Harris, of Worth, adjourned until  
M. tomorrow.

THURSDAY, NOVEMBER 2, 1865.

9:30 O'CLOCK A. M.

The Convention met pursuant to adjournment, and after prayer by Mr. Lamar, a delegate from the county of Elbert, the Journal of yesterday was read.

Mr. Hansell gave notice that he should move to reconsider so much of the Journal as records the rejection of the amendment proposed by him to the 4th paragraph, 2nd section, 11th article Constitution.

Mr. Thomas gave notice that he would move to reconsider so much as refers to the adoption of the amendment inserting the words "nor increased," in the 1st paragraph, 3rd section, 4th article.

Mr. Goode gave notice that he should move to reconsider the vote by which the motion to strike out "sixty-eight" and insert "sixty-six" was lost.

Mr. Parrott gave notice that he should move to reconsider so much of the Journal of yesterday as relates to the action of the Convention upon the plan of reducing the Senate reported by the committee of sixteen under instructions.

Mr. Jenkins gave notice that he would move to reconsider so much of the Journal as refers to the adoption of the amendments to the 1st paragraph, 2nd section, 2nd article of the Constitution as reported by the committee of sixteen in the plan of reduction.

Mr. Thomas moved to reconsider so much of the Journal of yesterday as records the action of the Convention agreeing to the amendment 1st paragraph, 3rd

section, 4th article Constitution, inserting after the word "diminished" the words "nor increased."

The motion to reconsider was lost.

Mr. Hansell moved to reconsider so much of the Journal of yesterday as records the action by which the amendment to the 4th paragraph of the 2nd section, 4th article of the Constitution, proposed by him, to strike out all after the words "in cases," and insert the words "where the Judge is satisfied by evidence that an impartial trial cannot be had" was lost.

Mr. Goode, of Houston, moved to reconsider so much of the Journal of yesterday as refers to a vote by which the Convention refused to amend the 5th paragraph by striking out the figures "68" and inserting the figures "66."

The motion to reconsider was lost.

Mr. Parrott moved to reconsider so much of the Journal of yesterday as relates to the action by which the plan of the committee of sixteen proposed for the reduction of the Senate was agreed to.

The motion to reconsider was agreed to.

Mr. Jenkins moved to reconsider so much of the Journal as relates to the action by which all before the words "the first district of" was stricken out in the 1st paragraph, 2nd section, 2nd article Constitution, and the following words inserted in lieu thereof, the following: "In the Senate first elected under this Constitution there shall be forty-four Senators, each elected from a district con-

WS:

to reconsider was adopted, and on motion

of Mr. Jenkins that part of the Journal was reconsidered, which records the action striking out the last clause of the same paragraph.

On motion of Mr. Matthews the rule was suspended in order to take up a resolution offered by him. The resolution was amended by him to read as follows:

*Resolved*, That a committee of one from each judicial district, who are hereby instructed to take into consideration the necessity of providing for the temporary organization of one or more militia companies in each county in the State, and report to this Convention by ordinance or otherwise.

The resolution as amended was adopted.

The following gentlemen were named by the chair, as forming said committee: -

J. D. Matthews, Northern Circuit.

A. J. Hansell, Blue Ridge Circuit.

E. N. Atkinson, Brunswick Circuit.

Z. B. Trice, Chattahoochee Circuit.

Wm. Luffman, Cherokee Circuit.

N. J. Hammond, Coweta Circuit.

E. C. Anderson, Eastern Circuit.

---- Murphy, Flint Circuit.

W. A. Harris, Macon Circuit.

A. C. Walker, Middle Circuit.

M. W. Lewis, Ocmulgee Circuit.

R. A. Turnipseed, Pataula Circuit.

J. B. Alexander, Southern Circuit.

G. J. Wright, Southwestern Circuit.

J. A. Blance, Tallapoosa Circuit.

Henry D. McDaniel. Western Circuit.

Mr. Wikle moved to suspend the rule, to allow him to introduce a resolution. Agreed to.

Mr. Wikle introduced the following resolution, which was taken up, read and adopted:

The committee of seven to whom was referred the message of His Excellency James Johnson, and the documents accompanying it on the subject of cotton and tobacco purchased by the State, desiring further information on that subject, it is

*Resolved*, That His Excellency the Governor, be requested to communicate to this Convention, if within his power to do so, how much money has been drawn from the treasury of this State with which to purchase cotton for the State, and how much with which to purchase tobacco, when, by whom, by what and by whose authority it was drawn, and in what kind of currency it was drawn, whether State or Confederate States money, bills or bonds, or what, and of different kinds of money, bills, or bonds, how much of each kind, and how much cotton and tobacco was purchased with the money of the State so drawn from the treasury, the number of bales and their weight, and when and from whom it was purchased, and at what price, and whether it was paid for in the same kind of currency, money or bonds that was so drawn from the treasury with which to purchase those articles? How many agents were employed by the State, and by whom employed to purchase the cotton and tobacco herein referred to, and who they were, and where they now reside, and then resided, and what compensation, and how and in what it was paid them and each of them, and by whom, for their services; and also what portion of the cotton so purchased by the State has been sold, and by whom, and

to whom sold, when, at what price, and for what currency it was sold, and what amount of State money issued since the war has been placed in the State treasury, and when, and by whom placed there, and what amount of such State money has been exchanged, for Confederate States bills or bonds, before and since it went into the treasury, and when, and by whom, and with whom, and especially what State officers or officials have made such exchange, and when and with whom, and to what amount each State officer or agent has thus exchanged, and what use has been made by all such officials or agents with the Confederate money they thus acquired by such exchange?

Mr. Martin of Habersham, moved to suspend the rule, in order to allow him to introduce a resolution. Lost.

Mr. Barnes moved to suspend the rule to allow him to introduce a resolution.

On the motion to suspend, a majority voting in the affirmative, the Chair decided the rule suspended.

The correctness of the decision being questioned, the chair took the sense of the Convention upon the correctness of his decision, and it was sustained.

Mr. Barnes offered the following resolution, which was taken up and read:

*Resolved*, That the special committee of seven appointed to take into consideration the subject of the cotton hitherto belonging to the State, while in session, shall have power to send for persons and papers.

Mr. Hill, of Morgan, moved to amend the resolution by adding:

“Provided, the committee shall not be required to sit



during any recess of this Convention, or after its final adjournment.

Mr. Jones, of Burke, moved to lay the resolution and amendments on the table for the balance of the session. Lost.

Mr. Kenan moved the previous question.

The call was sustained, the main question was put, and the resolution was adopted.

The Convention then proceeded with the unfinished business, which was the consideration of the first paragraph, 3rd section, 2nd article, and the substitute of Mr. Martin.

Mr. Quillian moved to substitute the paragraph as it stood in the Constitution of 1861.

Mr. Dorsey moved to amend the substitute offered by Mr. Quillian by striking out the word "representative," and inserting the word "white."

Mr. Quillian withdrew his substitute, and moved to lay the whole report of the committee of sixteen, made under instructions, upon the table for the balance of the session.

Pending the discussion thereon, the Convention took a recess until 3:30 o'clock P. M.

3:30 O'CLOCK P. M.

The Convention re-assembled.

Mr. Hook moved a suspension of the rule to enable him to offer a resolution adding the name of Hon. A. S. Cutts, delegate from the county of Sumter, to the com-

mittee of sixteen appointed this morning under the resolution of Mr. Matthews, of Oglethorpe.

The rule was suspended and the resolution adopted.

The Convention then proceeded with the unfinished business, which was the motion of Mr. Quillian to lay upon the table, for the balance of the session, the report of the committee of sixteen, made under instructions; when

Mr. Black, of Walker, called for the yeas and nays, and the call being seconded, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were, Messrs.:

Adams, of Elbert,	Cochran, of Wilkinson,
Allen,	Cole,
Ashley,	Colley,
Bacon,	Cook,
Bagley,	Cureton,
Black, of Screven,	Davis, of Floyd,
Bower,	Davis, of Jackson,
Bowers,	Dailey,
Bowen,	DeGraffenried,
Brantley,	Dickey,
Brewer,	Dorminy,
Brewton, of Bulloch,	Dorsey,
Brightwell,	Douglass,
Burts,	DuBose,
Bush,	
Callaway,	Ellington, of Clayton,
Cameron,	Ellington, of Gilmer,
Chandler,	England,
Christy,	Edwards,
Clark,	Fowler,
Cochran, of Terrell,	Freeman,

Fraser,  
Gordon,  
Gillis,  
Gunnels,  
Goode, of Pickens,  
Graham,  
  
Henry,  
Horne,  
Hopkins,  
Hudson, of Schley,  
Hudson, of Brooks,  
Harris, of Clarke,  
Harris, of Taliaferro,  
Harris, of Worth,  
Hook,  
Highsmith,  
Hammond,  
Howard, of Bartow,  
Howard, of Towns,  
Hopps,  
Huie, of Clayton,  
Harvey,  
  
Jackson,  
Jenkins,  
Johnson, of Campbell,  
Johnson, of Clarke,  
Johnson, of Wilcox,  
Jones, of Columbia,  
Jones, R. T., of Burke,  
  
Kelley,  
Kirkland,  
Kirksey,  
King, of Rabun,  
Kimbrow,  
Knight,  
  
Lamar,  
Lasseter,

Lawson,  
Lewis, of Dooly,  
Logan, of White,  
Logan, of Bibb,  
Logan, of Dawson,  
Luffman,  
  
Middleton,  
Monroe,  
Morris,  
Mallard,  
Maples,  
Marler,  
Martin, of Carroll,  
Martin, of Echols,  
Matthews, of Oglethorpe,  
Matthews, of Washington,  
Mattox  
McCrary,  
McCroan,  
McCutchen,  
McGregor,  
McIntyre,  
McRae, of Montgomery,  
McRae, of Telfair,  
  
Nash,  
Neal,  
Newsom,  
Nichols,  
  
Pafford,  
Parker, of Johnson,  
Parker, of Murray,  
Paulk,  
Penland,  
Perry,  
Powell,  
  
Quillian,  
  
Rawls,

Reese,	Thompson, of Haralson,
Richardson,	Tison,
Riley, of Taylor,	Turk,
Riley, of Lumpkin,	Turner, of Campbell,
Roberts, of Dooly,	Turner, of Quitman,
Roberts, of Echols,	Turnipseed,
Roberts, of Warren,	
Robinson, of Early,	Walker of Carroll,
Rouse,	Watkins,
Rumph,	Watts,
	Weaver,
Sale,	Whitaker,
Scruggs,	Whelchel,
Sharpe,	Williams, of Bryan,
Sharman,	Williams, of Haralson.
Simmons, of Crawford,	Wikle,
Singleton,	Willingham,
Smith, of Bryan,	Wimberly,
Sorrels,	Womack,
Stapleton,	Wootten, of DeKalb,
Stephens,	Wooten, of Terrell,
Strickland,	Wright, of Coweta,
	Wright, of Dougherty,
Taliaferro,	
Thompson, of Jackson,	Young.

Those voting in the negative were, Messrs.:

Adair,	Barksdale,
Adams, of Putnam,	Barlow,
Alexander, of Pike,	Barnes,
Alexander, of Thomas,	Brassell,
Anderson, of Chatham,	Bell, of Forsyth,
Anderson, of Cobb,	Bell, of Webster,
Arnold, of Henry,	Bethune,
Arnold, of Walton,	Bivins,
Atkinson, of Troup,	Black, of Walker,
Atkinson, of Camden,	Boyd,

Brady,	Kenan,
Cabaniss,	King, or Greene,
Candler,	King, of Richmond,
Clement,	Lawrence,
Cohen,	Lewis, of Greene,
Crawford, of Decatur,	Lovett,
Cutts,	Lloyd,
Dixon,	Moore, of Floyd,
Doyal,	Moore, of Webster,
Dowda,	Morel,
Driver,	Murphry,
Dunn,	Martin, of Habersham,
Dupree,	Matthews, of Upson,
Felton,	McDaniel,
Floyd,	McDuffie, of Marion,
Grant,	McDuffie, of Pulaski,
Gibson,	McLeod,
Giles,	Merrill.
Glover,	Norman,
Herring,	Parrott,
Hill, of Morgan,	Parks,
Hill, of Troup,	Patton,
Holt, of Bibb,	Pendleton,
Humber,	Puckett,
Holmes,	Redding,
Harris, of Hancock,	Reynolds,
Hand,	Ridley, of Troup,
Huie, of Fayette,	Robinson, of Laurens,
Hansell,	Rogers, of Gordon,
Harlan,	Rogers, of Milton,
Hood,	Saffold,
Hail,	Scarlett,
Irwin,	Shannon,
Johnson, of Spalding,	Shockley,
Jones, M. D., of Burke,	Simmons, of Gwinnett
Jordan,	Skelton,

Smith, of Coweta,  
Solomon,  
Stewart,

Thompson, of Gordon,  
Thomas,  
Trice,  
Tucker,

Walker, of Richmond,

Yeas, 163; nays, 108.

So the motion prevailed.

On motion of Mr. Harris, of Worth, the original report of the committee of sixteen was then taken up at article 2nd, section 2nd and acted upon by sections and paragraphs.

Paragraphs 1, 2, 3 and 4 were read and adopted.

In the 1st paragraph of the 3rd section, Mr. Barnes moved to strike out the word "representative" preceding the word "population." Lost.

In the 2nd paragraph Mr. Williams, of Ware, moved to amend by adding the words "immediately preceding the day of election." Lost.

The paragraph as reported was adopted.

The 3rd, 4th and 5th paragraphs were adopted.

The 1, 2, 3, 4, 5, 6, 7, 8 and 9th paragraphs of the 4th section were adopted.

The 1st paragraph of the 5th section was adopted.

Mr. Hill, of Morgan, moved to amend the second paragraph by striking out the words "at least two-thirds of the members present in each branch of the General

Assembly" and inserting in lieu thereof the words "an unanimous vote of both houses only."

Mr. Barnes, of Columbia, moved as a substitute to Mr. Hill's amendment the words "two-thirds of the whole number of Senators and two-thirds of the whole number of Representatives."

Mr. Kenan moved the previous question which being sustained, the main question was put, and the paragraph as reported was adopted.

Mr. Candler moved to amend the third paragraph by adding the words "and shall provide for the early resumption of the regular exercises of the University of Georgia by the adequate endowment of the same." Agreed to.

The paragraph as amended was adopted.

The fourth paragraph was adopted.

Mr. Jenkins moved as a substitute for the fifth paragraph the following:

5. It shall be the duty of the General Assembly at its next session and thereafter as the public welfare may require, to provide by law for the government of free persons of color for the protection and security of their persons and property, guarding them and the State against any evil that may arise from their sudden emancipation, and prescribing in what cases their testimony may be admitted in the courts, for the regulation of their transactions with citizens; for the legalizing of their existing and the contracting and solemnization of their future marital relations and connected therewith their rights of inheritance and testamentary capacity; and for the regulation or prohibition of their immigration into

this State from the other States of the Union, or elsewhere; and further, it shall be the duty of the General Assembly to confer jurisdiction upon courts now existing or to create county courts with jurisdiction in criminal cases excepted from the exclusive jurisdiction of the Superior Court and in civil cases whereto free persons of color may be parties.

The substitute was adopted.

The first and second paragraphs of the 6th section were adopted.

In the third paragraph Mr. Parrott moved to strike out the words "granting a donation or gratuity in favor of any person."

The motion was lost and the paragraph as reported was adopted.

In the fourth paragraph Mr. McDuffie, of Marion, moved to strike out all after the word "city." Lost.

The paragraph as reported was adopted.

Mr. Jenkins, chairman of the committee of sixteen, reported the first article of the Constitution, with the following amendment to the 8th clause of the bill of rights, adding thereto the words "as heretofore practiced in Georgia."

The amendment was agreed to and the paragraph as amended was adopted.

Mr. Lloyd, of Chatham, moved a suspension of the rule that he might introduce the following resolution, which upon a further suspension of the rule, was taken up and adopted, to-wit:



*Resolved by the people of Georgia, in convention assembled,* That we, the members of this Convention, in behalf of the whole people of Georgia, do invoke the kind consideration of His Excellency Andrew Johnson, President of the United States, in behalf of Josiah Tatnall, a citizen of the State of Georgia, who has done his country good service, and earnestly pray that His Excellency will remove the disabilities under which he now labors and grant to him a full pardon, with restoration of the small property which he held at the time of his resignation from the Navy of the United States.

*Resolved,* That the foregoing resolution be signed by the President of this Convention, attested by the Secretary, and forwarded to His Excellency the President of the United States.

On motion of Mr. Adair, the Convention adjourned till 9:30 o'clock A. M. to-morrow.

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FRIDAY, NOVEMBER 3, 1865.

9:30 O'CLOCK A. M.

The Convention met pursuant to adjournment, and after prayer by Rev. Mr. Flinn, the journal of yesterday was read.

Mr. Stapleton gave notice that he would move to reconsider so much of the journal of yesterday as refers to the adoption of the amendment of Mr. Candler to the 3rd paragraph, 5th section, 2nd article of the Constitution.

Mr. Black, of Walker, gave notice that he would move to reconsider so much of the journal of yesterday as relates to the adoption of the resolution of Mr. Lloyd with respect to the pardon of Josiah Tatnall.

Mr. Stapleton moved to reconsider so much of the journal of yesterday as refers to the adoption of the amendment of Mr. Candler to the 3rd paragraph, 5th section, 2nd article of the Constitution.

On the motion to reconsider the yeas and nays were recorded and were as follows:

Those who voted in the affirmative are: Messrs.

Adams, of Elbert,	Cochran, of Terrell,
Alexander, of Thomas,	Crawford, of Decatur,
Ashley,	Dorminy,
Bacon,	Dorsey,
Barlow,	Doyal,
Barnes,	Driver,
Barnett,	Ellington, of Clayton,
Bassell,	Ellington, of Gilmer,
Baxter,	Fowler,
Bell, of Webster,	Freeman,
Bethune,	Fraser,
Bivins,	Grant,
Black, of Walker,	Goode, of Pickens,
Bower,	Herring,
Bowers,	Horne,
Bowen,	Hudson, of Schley,
Boyd,	Harris, of Taliaferro,
Brady,	Harris, of Hancock,
Brewer,	Hook,
Brightwell,	Highsmith,
Bush,	Howard, of Towns,
Chandler,	
Clark,	

Hopps,  
Huie, of Clayton,  
Huie, of Fayette,  
Harvey,  
Harlan,  
Hood,  
Hail,

Johnson, of Spalding,  
Jones, R. T., of Burke,  
Kelley,  
Kirkland,  
Kirksey,  
King, of Rabun,  
Kimbrow,  
Lamar,  
Lasseter,  
Lewis, or Dooly,  
Lewis, of Greene,  
Logan, of White,  
Logan, of Dawson,  
Luffman,

Middleton,  
Monroe,  
Moore, of Webster,  
Morel,  
Morgan,  
Morris,  
Murphry,  
Maples,  
Martin, of Carroll,  
Martin, of Echols,  
Martin, of Habersham,  
Matthews, of Washington,  
Mattox,  
McCroan,  
McCutchen,  
McDaniel,  
McDuffie, or Pulaski,

McIntyre,  
McRae, of Montgomery.

Neal,  
Newsom,  
Pafford,  
Parker, of Johnson,  
Parker, of Murray,  
Pault,  
Pendleton,  
Penland,  
Perry,  
Powell,  
Puckett,

Rawls,  
Redding,  
Reynolds,  
Richardson,  
Riley, of Lumpkin,  
Roberts, of Dooly,  
Roberts, of Echols,  
Robinson, of Early,  
Robinson, of Laurens,  
Rogers, of Gordon,  
Rogers, of Milton,  
Rouse,  
Rumph,

Scruggs,  
Sharman,  
Singleton,  
Sorrels,  
Stephens,  
Strickland,  
Taliaferro,  
Thompson, of Gordon,  
Thompson, of Haralson,  
Thomas,  
Tison,

Trice,	Williams, of Haralson,
Underwood,	Williams, of Harris,
Walker, of Carroll,	Wikle,
Watkins,	Womack,
Weaver,	Young,
Whelchel,	Zachery.
Williams, of Baker,	

Those who voted in the negative are: Messrs.

Adair,	Cole,
Adams, of Putnam,	Colley,
Allen,	Cook,
Alexander, of Pike,	Covington,
Anderson, of Chatham,	Cutts,
Anderson, of Cobb,	Cureton,
Arnold, of Henry,	Dart,
Arnold, of Walton,	Davis, of Floyd,
Atkinson, of Troup,	Davis, of Jackson,
Atkinson, of Camden,	DeGraffenried,
Bagley,	Dickson,
Barksdale,	Dowda,
Bell, of Forsyth,	DuBose,
Blance,	Dupree,
Black, of Screven,	England,
Blount,	Edwards,
Brantley,	Felton,
Burts,	Floyd,
Cabaniss,	Gillis,
Callaway,	Gibson,
Cameron,	Giles,
Candler,	Goode, of Houston,
Chappell,	Glover,
Christy,	Graham,
Cochran, of Wilkinson,	
Cohen,	

Henry,	Matthews, of Oglethorpe.
Hill, of Morgan,	McCrary,
Hill, of Troup,	McDuffie, of Marion,
Holt, of Bibb,	McGregor,
Hopkins,	McLeod,
Humber,	McRae, of Telfair,
Hudson, of Brooks,	Merrill.
Hudson, of Wilkinson,	Nichols,
Holmes,	Norman,
Harris, of Clarke,	Parrott,
Harris, of Worth,	Park,
Hammond,	Patton,
Howard, of Bartow,	Reese,
Hand,	Ridley, of Troup,
Hansell,	Roberts, of Warren,
Jackson,	Saffold,
Jenkins,	Sale,
Johnson, of Campbell,	Scott,
Johnson, of Clark,	Seward,
Johnson, of Heard,	Scarlett,
Johnson, of Jefferson,	Sharp,
Johnson, of Wilcox,	Shannon,
Jones, of Columbia,	Shockley,
Jones, M. D., of Burke.	Simmons, of Gwinnett,
Jordan,	Simmons, of Crawford,
Kenan,	Skelton,
King, of Greene,	Smith, of Bryan,
King, of Richmond,	Smith, of Coweta,
Knight,	Solomon,
Lawson,	Stewart,
Lawrence,	Thompson, of Jackson,
Logan, of Bibb,	Turk,
Lovett,	Turner, of Campbell,
Lloyd,	Turner, of Quitman,
Moore, of Floyd,	Turnipseed,
Manning,	Walker, of Richmond,
Marler,	

Warren, of Pulaski,	Willingham,
Warren, of Houston,	Wimberly,
Ware,	Wootten, of DeKalb.
Watts,	Wootten, of Terrell,
Whitaker,	Wright, of Coweta,
Winn,	Wright, of Dougherty,
Williams, of Bryan.	Wright, of Emanuel,
Williams, of Muscogee,	
Williams, of Ware,	And Mr. President, nay.

Yeas, 131; nays, 139.

So the motion did not prevail.

Mr. Matthews, of Oglethorpe, asked that the committee of seventeen have leave to retire in order to transact the business of said committee. Granted.

Leaves of absence were granted to Messrs. Johnson, of Wilcox, and R. T. Jones, of Burke.

Mr. Solomon, of Twiggs, asked to be allowed to record his vote in the negative on the vote taken yesterday by yeas and nays upon the reduction of the General Assembly. Granted.

Mr. Jenkins, chairman of the committee of sixteen, reported the fifth article of the Constitution, as follows:

## ARTICLE V.

### SECTION I.

1. The electors of members of the General Assembly shall be free white male citizens of this State, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and

which they have had an opportunity of paying agreeable to law, for the year preceding the election, shall be citizens of the United States, and shall have resided six months either in the district or county, and two years within this State, and no person not qualified to vote for members of the General Assembly, shall hold any office in this State.

2. All elections by the General Assembly shall be *viva voce* and the vote shall always appear on the journal of the House of Representatives, and where the Senate and House of Representatives unite for the purpose of electing, they shall meet in the Representative chamber, and the President of the Senate shall in such cases preside and declare the person or persons elected.

3. In all elections by the people the electors shall vote by ballot until the General Assembly shall otherwise direct.

4. All civil officers heretofore commissioned by the Governor, or who have been duly appointed, or elected, since the first day of January last, but who have not received their commission and who have not resigned, nor been removed from office, and whose terms of office shall not have expired, shall continue in the exercise of the duties of their respective offices during the period for which they were duly appointed or duly elected as aforesaid, and commissioned, and until their successors shall be appointed under the provisions of this Constitution; unless removed from office as herein provided.

5. Laws of general operation now in force, in this State, are: 1st, as the supreme law, the Constitution of the United States; the laws of the United States in pursuance thereof, and all treaties made under the authority

of the United States; 2nd, as next in authority thereto, this Constitution; 3rd, in subordination to the foregoing, all laws declared of force by an act of the General Assembly of this State, assented to December the 19th, A. D., 1860, entitled "An Act to approve, adopt and make of force, in the State of Georgia, a revised code of laws, prepared under the direction and by authority of the General Assembly thereof, and for other purposes therewith connected," an act of the General Assembly aforesaid, assented to December 16th, A. D., 1861, amendatory of the foregoing, and an act of the General Assembly aforesaid assented to December 13th, A. D., 1862, entitled "An Act to settle the conflicts between the code and the legislation of this General Assembly;" also all acts of the General Assembly aforesaid, passed since the date last written, altering, amending, repealing, or adding to any portion of law hereinbefore mentioned (the latter enactments having preference in case of conflict), and also so much of the common and statute law of England, and of the statute law of this State of force in Georgia, in the year eighteen hundred and sixty, as is not expressly superceded by, nor inconsistent with said codes, though not embodied therein; except so much of the law aforesaid as may violate the supreme law, herein recognized, or may conflict with this Constitution, and except so much thereof as refers to persons held in slavery, and to free persons of color, which excepted laws shall henceforth be inoperative and void, and any future General Assembly of this State, shall be competent to alter, amend or repeal any portion of the law declared to be of force in this third specification of the fifth clause of this fifth article. If in any statute law herein declared of force, the word "Confederate" occurs before the word States,



such law is hereby amended by substituting the word "United" for the word "Confederate."

6. Local and private statutes heretofore passed intended for the benefit of counties, cities, towns, corporations, and private persons not inconsistent with the supreme law, nor with this Constitution, and which have neither expired by their own limitations nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when enacted, and to any limitations imposed by their own terms.

7. All judgments, decrees, orders, and other proceedings of the several Courts of this State heretofore made, within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to past or future reversal, by motion for new trial, appeal, bill of review, or other proceedings, in conformity with the law of force when they were made.

8. All rights, privileges and immunities which may have vested in, or accrued to any person or persons, in his, her, or their own right, or in any fiduciary capacity, under and in virtue of any act of the General Assembly or of any judgment, decree, or order, or other proceeding of any court of competent jurisdiction in this State, since the first day of January, A. D., eighteen hundred and sixty-one, shall be held inviolate by all courts before which they may be brought in question.

9. The marriage relation between white persons and persons of African descent, is forever prohibited; and it shall be the duty of the General Assembly to enact laws for the punishment of any officer who shall issue a license for the celebration of such a marriage, and any officer or

minister of the Gospel who shall marry such persons together.

10. All militia and county officers shall be elected by the people, under such regulations as have been or may be prescribed by law.

11. This Constitution shall be altered or amended only by a Convention of the people, called for that purpose by act of the General Assembly.

The report of the committee was received and the article having been read was taken up by sections and paragraphs.

The first paragraph being under consideration, Mr. Dupree moved to amend by striking out the word "six" before the word "months" and insert in lieu thereof the word "twelve." Lost.

The paragraph as reported was adopted.

The second paragraph was adopted.

Mr. M. D. Jones, of Burke, moved to amend the third paragraph by striking out the words "by ballot" and inserting "*viva voce*." Lost.

The paragraph was adopted.

Paragraph fifth being under consideration, Mr. Jenkins moved to amend it by striking out the words "and to free persons of color."

The amendment was agreed to, and the paragraph as amended was adopted.

Paragraphs six and seven were adopted.

Mr. Hill, of Morgan, moved to amend the eighth paragraph by adding the following proviso:

*“Provided, That all private contracts made and executed in this State during the war, including marriage contracts not in violation of any law of this State, or of the United States, are hereby declared as binding and valid as if made during a state of peace—and that all contracts so made but not yet executed where notes or other obligations have been given for the payment of money, shall receive an equitable construction, and either party in any suit for the recovery of money upon such contract, may upon the trial, give in evidence the consideration for which such note or obligation was given—and the value of the same in good currency at the time of the making of the contract—and the value of Confederate States treasury notes if intended to be paid in that currency, and the judgment shall be made upon principles of equity; and in cases of judgments upon contracts payable in Confederate treasury notes, or for liabilities incurred while such notes were the common currency in this State, and such judgments have been rendered for the sum claimed by the plaintiff, the same may be opened by motion and a new trial had, and the recovery shall be only for the real value of the said treasury notes, at the time fixed for the execution of the contract—or when the liability of the defendant accrued, with interest of the same.*

On motion of Mr. Dupree, the original paragraph and the amendment was recommitted to the committee of sixteen.

In the ninth paragraph Mr. Solomon moved to amend by inserting before the word “issue” the word “knowingly.” Agreed to.

Mr. Merrill moved farther to amend the paragraph by inserting after the word "prohibited" the words "and such marriage shall be null and void." Agreed to, and the paragraph as amended was adopted.

The tenth paragraph was adopted.

Mr. Burts moved to amend the eleventh paragraph by striking out all after the word "amended" and inserting the words "by a two-thirds vote of both branches of the General Assembly of two concurrent sessions."

Mr. Hill, of Morgan, moved the following as a substitute:

"This Constitution shall be altered or amended only by a Convention of the people, called for that purpose. Such Convention may be called by an act of the General Assembly passed by the concurrent vote of two-thirds of the members of each house voting thereon."

Mr. Warren moved to amend so as to read as follows:

"This Constitution shall be altered or amended only by a Convention of the people called for that purpose, or by two-thirds of both branches of the General Assembly at two different and successive Legislatures."

Mr. Kenan moved the previous question, which being seconded the main question was put and the paragraph as originally reported was adopted.

Mr. Jenkins, chairman of the committee of sixteen, reported the following preamble to the Constitution reported by that committee.

The report was received and the preamble taken up, twice read and put upon its passage. It is as follows:

We, the people of the State of Georgia, in Convention met, having humbly implored light from on High, and relying implicitly upon the favoring providence of Almighty God for the future, do make and ordain the following as the Constitution of the State of Georgia.

Mr. Davis, of Jackson, moved to amend the same by inserting after the words "Almighty God" the words "through Jesus Christ."

Mr. Dowda, of Cherokee, offered the following as a substitute for the preamble reported by the committee and the amendment proposed thereto:

#### PREAMBLE TO THE CONSTITUTION.

We, the people of the State of Georgia, in order to form a permanent government, establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and our posterity—acknowledging and invoking the guidance of Almighty God, the author of all good government, do ordain and establish this Constitution for the State of Georgia.

Mr. Jenkins accepted the substitute and it was adopted.

The Convention took a recess until 3:30 o'clock P. M

3:30 O'Clock P. M.

The Convention re-assembled.

Mr. Chappell laid upon the table the following

## ORDINANCE:

*Be it ordained by the people of Georgia, in Convention,* That all debts contracted or incurred by the State of Georgia, either as a separate State, or as a member of the late partnership or confederacy of States, styled the Confederate States of America, for the purpose of carrying on the late war of secession against the United States of America, or for the purpose of aiding, abetting or promoting said war in any way, directly or indirectly, be, and the same are hereby declared null and void; and the Legislature is hereby forever prohibited from, in any way, acknowledging or paying said debts, or any part thereof, or from passing any law for that purpose, or to secure or provide for the said debts, or any part thereof, by any appropriation of money, property, stocks, funds, or assets of any kind to that object.

2. *Be it further ordained,* That inasmuch as the annual income of the State, before and during said war, from taxation and other sources of revenue, was amply sufficient for the support of the ordinary civil government of the State, and for the payment of all its expenses, incident to a state of peace; and as the extraordinary expenses which led to the creation of a debt were the offspring and results of the war, it is therefore the judgment, ordinance and decree of this Convention, that all debts of the State incurred during said war, shall be considered, held, and treated as debts incurred for carrying on the war except in cases where it shall be satisfactory shown by impartial and disinterested proof that any particular debt or debts were incurred for other purposes than that of carrying on, aiding or abetting the war, directly or indirectly.

3. *Be it further ordained*, That all bills, bonds, notes or other evidences of debt whatsoever, issued by the State, payable only in Confederate currency, or on a contingency or contingencies which have never happened, and can now never happen, have ceased to be debts at all, either in whole or part, and are hereby wholly prohibited from being paid, even though originally issued for other purposes than that of carrying on the said war, or aiding and abetting it, directly or indirectly.

*Be it further ordained*, That this ordinance shall be part of the Constitution and fundamental law of the State.

Which ordinance was read twice and on motion made the special order for tomorrow morning.

Mr. Cutts offered the following ordinance, which was taken up, read twice and put upon its passage:

#### AN ORDINANCE

Making it the duty of the General Assembly of the State of Georgia, to provide for the support of indigent widows and orphans of deceased soldiers of this State, and for other purposes therein named:

*Be it ordained by the people of the State of Georgia, in Convention assembled*, That it shall be the duty of the General Assembly of this State, at its first session under this Constitution, and annually thereafter, to make such appropriations and provisions as may in their judgment be necessary for the support and maintenance of the indigent widows and orphans of this State.

*Be it further ordained*, That disabled soldiers who are without means of support and whose disability is such as

to render them incompetent or unable to earn a living by their own exertions, shall be entitled to the benefits of the provisions of the foregoing ordinance.

*Be it further ordained,* That the inferior courts of each county in this State shall immediately on the passage of this ordinance levy a tax and purchase provisions by the aid of the loans and amply relieve the suffering poor of their respective counties, for which alone the said taxes shall be levied.

*Be it further provided,* That the authority invested in said inferior court for the above purposes shall not extend beyond the period of one year from this date unless otherwise provided by the General Assembly.

Mr. Brewer moved to amend the first paragraph by adding the words "and also all other widows and their families who are in like condition." Lost.

Mr. Harris, of Worth, moved to amend the same paragraph by striking out the words "it shall be the duty of the General Assembly" and inserting in lieu thereof the words "the General Assembly is respectfully requested." Agreed to.

Mr. Moore, of Webster, moved to amend by striking out the third and fourth paragraphs. Agreed to.

The ordinance as amended was read the third time and passed.

Mr. McDuffie, of Pulaski, was granted leave of absence for the balance of the session.

Mr. Lawson, of Burke, introduced the following ordinance:



## AN ORDINANCE

To legalize the contracts made by guardians, administrators, executors and trustees, with freedmen, for the benefit of their wards and estates, and to authorize said guardians, etc., to make such contracts until provided for by the Legislature.

*Be it ordained by the people of Georgia, in Convention assembled,* That all contracts made by guardians, administrators, executors and trustees, with the freedmen and freedwomen for the benefit of their wards, and the estates be and the same are hereby legalized; and that they be authorized to make such contracts until provided for by the Legislature.

On motion of Mr. Lawson, the ordinance was twice read and put upon its passage.

Mr. Roberts, of Warren, moved to lay it on the table for the balance of the session. Lost.

The ordinance was read the third time and passed.

Mr. Kirkland, of Clinch, introduced the following resolutions:

*Resolved,* That no more new matter shall be introduced into this Convention, except such as may be introduced by the several committees.

*Resolved,* That we finish the business on our table and adjourn subject to the call of the President of this Convention.

The Convention refused to take up the resolutions.

Mr. Robinson, of Early, introduced the following resolution:

*Resolved*, That this Convention recommend to the next General Assembly the propriety of abolishing the penitentiary system and adopting some other mode of punishment better adapted to the wants of the country in its present condition.

Mr. Adair offered the following as a substitute for the resolution:

*Resolved*, That this Convention recommend to the next General Assembly to enquire into the practicability of purchasing or leasing for a long term of years the stone mountain in DeKalb County of this State for the purpose of building a penitentiary at that point, to the end that convict labor may be employed in quarrying granite under such regulations as may be prescribed by law, provided the penitentiary system be continued as a mode of punishment for crime.

Mr. Dupree moved to postpone the original resolution and substitute indefinitely. Agreed to.

Mr. Barnes, of Columbia, introduced the following resolutions, which were read and lie over under the rule:

*Whereas*, the war recently waged by a portion of the States and the people thereof against the peace and authority of the United States, has finally terminated in the triumph of the National arms and the restored supremacy of the Constitution and laws; *and whereas*, there are everywhere manifestations of a general, sincere and cordial acceptance of the result and a return to allegiance to the Government, Constitution and laws of the United States, thus showing that danger no longer exists, and that the utmost magnanimity and liberality may be safely shown to the States and people recently in arms, such

action on one side securing confidence and affection on the other; *and whereas*, the innocent should not suffer for the acts of the guilty. Therefore,

*Resolved*, That in the opinion of this Convention the time has arrived when the President of the United States in the exercise of that sublime attribute of mercy with which he is clothed, may without detriment to the public good and with a prospect of the most benign results declare a general amnesty.

*Resolved further*, That justice and sound policy require that although slavery as an institution must necessarily cease to exist, having been adjudged the great disturbing element in the Union, yet every widow and *femme sole* minor and *cestue que trust* who, incapable of engaging in arms has not aided and abetted the same should be compensated for their late slaves from the treasury of the United States at the rate of the value of such late slaves during the year 1864, and for that purpose and to determine speedily and correctly and cheaply the rights of the parties claimant, Congress should enact a law authorizing the President to appoint commissioners of compensation, one for each Congressional District, whose decisions should be final.

*Resolved further*, That a copy of this preamble and resolutions signed by the President of the Convention and attested by the Secretary, be transmitted to the President of the United States.

On motion of Mr. Dupree the Convention proceeded to the consideration of an ordinance to provide for the payment of officers and members of the Convention, which was read the third time.

Mr. Moore, of Webster, moved to amend by striking out the word "six" and inserting the word "eight" for compensation of members.

Mr. Dorsey moved to amend by adding 50 per cent. on the amount of *per diem* pay to each officer and member of the Convention, nominated in the ordinance.

Mr. Matthews, of Washington, moved the previous question, which being seconded, the vote was taken on the main question and the ordinance was adopted.

Mr. Jenkins, chairman of the committee of sixteen, to whom was recommitted the 5th article of the Constitution, reported the 8th paragraph as follows:

8th. All rights, privileges and immunities which may have vested in, or accrued to any person or persons, in his, her or their own right, or in any fiduciary capacity, under and in virtue of any act of the General Assembly, or of any judgment, decree or order, or other proceeding of any court of competent jurisdiction in this State, since the first day of January A. D., eighteen hundred and sixty-one, shall be held inviolate, by all courts before which they may be brought in question.

Mr. Floyd moved to amend the paragraph as reported by the committee, by adding the words "unless attacked for fraud." Agreed to.

The paragraph as amended was adopted.

Mr. Jenkins offered the following resolution, which was taken up, read and adopted:

*Resolved*, That as soon as the Convention have passed the Constitution of the State, one thousand copies of the

same be printed for the use of the members of the Convention.

Mr. Jenkins, chairman of the committee of sixteen, reported the following ordinance and recommended its adoption:

#### AN ORDINANCE

To ratify certain acts, judgments and other proceedings therein mentioned.

*Be it ordained by the people of Georgia in Convention assembled,* That all acts and sales of executors, administrators, trustees and guardians, and of judicial and ministerial officers had, done and performed and made *bona fide* in pursuance of and under color of law since the 19th day of January, 1861, which are not in conflict with the Constitution of the United States, and of the Constitution of this State, be and the same are hereby ratified and confirmed, subject, however, to the right of appeal and supercedures according to law: *Provided,* That in all cases in which judgments or decrees have been rendered in all courts of record in this State since the 19th day of January, 1861, and prior to this date the party against whom such judgment has been rendered shall be entitled to a new trial or appeal on affidavit that he was unavoidably absent from the court at the time of the rendition of the judgment, and that he had no attorney present in the court; *Provided,* The court shall be satisfied, from all the facts which may be submitted by affidavit by both parties, that such good and meritorious defence exists, and that such application for a new trial or appeal shall be made within twelve months after the adoption of this ordinance.

Mr. Hill, of Morgan, moved to strike out the words "and that he had no attorney present in the court." Agreed to.

The ordinance as amended was adopted.

Mr. Hill, of Morgan, introduced the following ordinance, which was taken up, twice read and put upon its passage:

#### AN ORDINANCE

To authorize the courts of this State to adjust the equities between parties to contracts during the war against the United States, and to admit parole or other evidence to explain the same.

*The people of Georgia in Convention assembled ordain as follows, That all private contracts made and executed in this State during the said war, including marriage contracts, and not in violation of the Constitution and laws of this State or of the United States, are hereby declared as binding and valid as if made during a state of peace.*

*It is further ordained, That all contracts made during said war, whether evidenced by bill, promissory note or other writing, and all contracts existing in parole or by implication, and not yet executed, shall receive an equitable construction, and either party in any suit for the recovery of money upon any such contracts, may, upon trial, give in evidence the consideration whether it be original or immediate subject of the contract or both, upon which a recovery is sought, and may also prove the actual value of such consideration in good money, and the intention and understanding of the parties, as to the currency in*

which payment was to be made, and the value of such currency at the time fixed for the payment, and also its value at the time of contracting, and judgment in such cases shall be rendered on equitable principles.

Mr. Dowda moved the following as a substitute:

#### AN ORDINANCE

To provide for the adjustment of all debts now existing in which Confederate money was the consideration, or the currency contemplated, and to regulate the admission of testimony in such cases.

*Be it ordained*, That all contracts or loans now existing, entered into between parties during the late war in which Confederate money was the standard of valuation in reference to the thing contracted for, or where indebtedness arises from or by the loan of Confederate money, the same shall be satisfied by the payment in specie, or its equivalent in currency of an amount equal to the specie value of said Confederate money at the time of the maturity of said debt or debts.

*Be it further ordained*, That parole testimony, and all legitimate circumstances tending to show what was the consideration, or what currency was meant by the parties contracting, and what was the specie value of said currency at the time of the maturity of said debt or debts, shall be admitted in all courts having jurisdiction in such cases in this State.

Mr. Chappell offered the following amendment to Mr. Hill's ordinance: After the word "contracts" to insert "and all contracts, whether in writing or not."

On motion the ordinance, together with the substitute, was referred to a special committee of five, consisting of Messrs. Hill, of Morgan, Floyd, Chappell, Parrott, and Lewis, of Greene.

Mr. Barnes, chairman of the committee on enrollment, made the following report:

*Mr. President:* The following resolutions and ordinances are properly enrolled and ready for the signature of the President of the Convention and attestation of the Secretary.

An ordinance to request and authorize the Provisional Governor of Georgia to borrow money on the credit of this State, and to extend the power to the Governor to be elected by the people in a certain contingency. Also,

A resolution authorizing the Secretary to appoint an Assistant Secretary, enrolling and engrossing clerks, and for their qualification as required by the rule of this Convention. Also,

A resolution appointing Orme & Son printers for this Convention. Also,

A resolution that the State Treasurer be authorized to make certain advances to delegates of this Convention. Also,

A resolution that His Excellency the Provisional Governor, be requested to communicate to the Convention at any time any facts in his possession that he may deem of public interest. Also,

A resolution that the Secretary of this Convention be authorized to employ three clerks to aid him in the discharge of the duties of his office. Also,



A resolution asking the clemency of the President of the United States in behalf of Josiah Tattnall.

Mr. Matthews, of Oglethorpe, submitted the following report from the committee of seventeen :

Mr. Matthews, chairman of the committee of seventeen, to whom was referred the consideration of the necessity of providing for the temporary organization of one or more militia companies in each county in this State, respectfully report the following preamble and resolutions, and recommend that they be adopted :

*Whereas*, many portions of this State are unprotected by the immediate presence of any of the military forces of the United States, and there exists an uneasiness in the public mind, under the apprehension that civil order may be disturbed by evil-minded persons associating themselves together, or otherwise, for the purpose of violence, and that the law may be obstructed in its execution, for want of adequate police force to enable the civil officers of the State to enforce the same; *and whereas*, this feeling of insecurity tends greatly to retard the resumption and prosecution of the various peaceful and industrial pursuits of the people necessary for their prosperity and happiness; therefore,

*Resolved, by the people of Georgia in Convention assembled*, That His Excellency the Governor, be, and is hereby earnestly requested to provide, by proclamation to the people to be issued as early as practicable, for the formation, in every county in this State, of one or more militia or volunteer companies, to act as a police force to suppress violence, to preserve order, and to aid the civil officers of this State, in the enforcement of the laws thereof, under such regulations, consistent with the Con-

stitution and laws of the United States, and of this State, as he may prescribe; and that such organizations as may be under this resolution, to subsist until otherwise provided by law.

*Resolved second,* That the foregoing preamble and resolutions be signed by the President and Secretary of this Convention, and that the President communicate a copy of the same to His Excellency James Johnson, Provisional Governor of Georgia, and forthwith transmit, through the Provisional Governor, the same by telegraph to His Excellency Andrew Johnson, President of the United States, and earnestly solicit his approval thereof.

The report was taken up, read and adopted.

On motion of Mr. Parrott, the Convention adjourned until 9:30 o'clock tomorrow.

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SATURDAY, NOVEMBER 4th, 1865.

9:30 O'Clock A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, the journal of yesterday was read.

Mr. Davis, of Jackson, gave notice that he would move to reconsider so much of the journal of yesterday as relates to the adoption of the preamble to the Constitution.

Mr. Reynolds gave notice that he should move to reconsider so much of the journal as relates to the adop-

tion of the ordinance of Mr. Cabaniss "to provide for the payment of the officers and members of this Convention."

Mr. Burts gave notice that he should move to reconsider so much of the journal as relates to the printing of 1,000 copies of the Constitution.

Mr. Hammond gave notice that he should move to reconsider so much of the journal as relates to the adoption of an ordinance "to ratify certain acts, judgments, and other proceedings therein mentioned."

Mr. Reynolds moved to reconsider so much of the journal of yesterday as relates to the adoption of an ordinance "to provide for the payment of the officers and members of this Convention."

The motion to reconsider was agreed to.

Mr. Reynolds moved to amend said ordinance by inserting the following words: "And that the Secretary and Assistant Secretary shall receive the same mileage as members."

Mr. Barnes moved as a substitute for Mr. Reynolds' amendment, that the sum of eight dollars per day be allowed the Secretary, and seven dollars each per day to the assistant engrossing clerks, and the other clerks, together with mileage, and the sum of seven dollars per day, with mileage, to the clerk of the committee of sixteen, and that a committee of three, to-wit: Messrs. deGraffenried, of Baldwin; Cochran, of Wilkinson, and Humber, of Putnam, be appointed to bring up the unfinished business after adjournment, and that they be paid additional per diem for not exceeding three days.

Mr. Cabaniss moved further to amend by adding "that the sum of fifteen dollars be allowed to the messenger to meet contingent expenses."

Mr. Hill, of Morgan, moved to amend by striking out the word "fifteen" and inserting the words "fifty dollars, or so much thereof as may be necessary." Lost.

Mr. Reynolds moved to amend the ordinance further by inserting after the word "nearest" the word "practicable," and that the auditing committee be so instructed in computing the mileage.

Mr. Dorsey moved to amend by inserting after the word "nearest" the words "practicable public mail route" and striking out the words "usually travelled" in the original. Agreed to.

Mr. Redding moved the previous question. Lost.

Mr. Seward moved to amend by providing that the President of the Convention shall receive the sum of twelve dollars *per diem*. Agreed to.

Mr. Seward moved to amend by providing that the Secretary shall receive ten dollars *per diem*, the Assistant Secretary and Clerk shall receive eight dollars *per diem* each, the Messenger and Assistant Messenger and Door-keeper shall receive the sum of eight dollars each *per diem*. Agreed to.

Mr. Chappell called the previous question, and the call being sustained, the main question was put, and upon the adoption of the ordinance as amended, the yeas and nays were recorded and were:

Yeas, 92; nays, 167.

Those who voted in the affirmative were: Messrs.

Allen,	Howard, of Bartow,
Anderson, of Chatham,	Hand,
Anderson, of Cobb,	Jenkins,
Arnold, of Walton,	Jones, of Columbia,
Ashley,	Kirkland,
Atkinson, of Camden,	Kirksey,
Bacon,	King, of Greene,
Barnes,	Lewis, of Dooly,
Brassell,	Lewis, of Greene,
Baxter,	Lloyd,
Bell, of Forsyth,	Luffman,
Blance,	Moore, of Webster,
Black, of Screven,	Morel,
Bowers,	Morris,
Bowen,	Martin, of Carroll,
Boyd,	Martin, of Echols,
Brewer,	Matthews, of Washington,
Cameron,	Mattox,
Chappell,	McCrary,
Cochran, of Terrell,	McCroan,
Cohen,	McLeod,
Cole,	McRae, of Montgomery,
Colley,	McRae, of Telfair,
Cook,	Merrill,
Davis, of Jackson,	Neal,
Dickey,	Newsom,
Dorsey,	Nichols,
Gillis,	Parrott,
Goode, of Houston,	Penland,
Hill, of Morgan,	Rawls,
Hill, of Troup,	Richardson,
Hudson, of Wilkinson,	Ridley, of Troup,
Harris, of Taliaferro,	Riley, of Taylor,
Harris, of Worth,	Riley, of Lumpkin,
Highsmith,	

Roberts, of Dooly,	Walker, of Carroll,
Roberts, of Warren,	Ware,
Rouse,	Whitaker,
Saffold,	Whelchel,
Scruggs,	Winn,
Seward,	Williams, of Baker,
Scarlett,	Williams, of Muscogee,
Smith, of Coweta,	Williams, of Haralson,
Stapleton,	Wimberly,
Stephens,	Wright, of Dougherty,
Thompson, of Haralson,	Wright, of Emanuel.

Those who voted in the negative were: Messrs.

Adair,	Callaway,
Adams, of Elbert,	Candler,
Alexander, of Pike,	Chandler,
Alexander, of Thomas,	Christy,
Arnold, of Henry,	Covington,
Atkinson, of Troup,	Crawford, of Decatur,
Bagley,	Cutts,
Barksdale,	Cureton,
Barlow,	Dart,
Barnett,	Davis, of Floyd,
Bell, of Webster,	Dailey,
Bethune,	DeGraffenried,
Bivins,	Dixon,
Black, of Walker,	Dorminy,
Bower,	Dowda,
Blount,	Driver,
Brady,	DuBose.
Brantley,	Dupree,
Brewton, of Bulloch,	Ellington, of Clayton,
Brightwell,	Ellington, of Gilmer
Burts,	England,
Cabaniss,	Edwards,

Fowler,	Jones, M. D., of Burke,
Freeman,	Jordan,
Felton,	Kelley,
Floyd,	Kenan,
Grant,	King, of Rabun,
Gibson,	King, of Richmond,
Gunnels,	Kimbrow,
Giles,	Knight,
Goode, of Pickens,	Lamar,
Glover,	Lassetter,
Graham,	Lawson,
Henry,	Lawrence,
Herring,	Logan, of White,
Hopkins,	Logan, of Bibb,
Humber,	Logan, of Dawson,
Hudson, of Schley,	Lovett,
Hudson, of Brooks,	Middleton,
Holmes,	Monroe,
Harris, of Clark,	Moore, of Floyd,
Harris, of Hancock,	Murphry,
Hook,	Marler,
Hammond,	Martin, of Habersham,
Howard, of Towns,	Matthews, of Oglethorpe,
Hopps,	Matthews, of Upson,
Hays,	McCutchen,
Huie, of Fayette,	McDaniel,
Hansell,	McDuffie, of Marion,
Harvey,	McGregor,
Harlan,	McIntyre,
Hood,	Nash,
Hail,	Norman,
Irwin,	Pafford,
Jackson,	Parker, of Johnson,
Johnson, of Campbell,	Parker, of Murray,
Johnson, of Clark,	Parks,
Johnson, of Heard,	Patton,
Johnson, of Spalding,	Paulk,

Pendleton,	Thompson, of Jackson,
Perry,	Thompson, of Gordon,
Quillian,	Thomas,
Redding,	Tison,
Reese,	Trice,
Reynolds,	Turk,
Roberts, of Echols,	Turner, of Campbell,
Robinson, of Early,	Turner, of Quitman,
Robinson, of Laurens,	Turnipseed,
Rogers, of Gordon,	Underwood,
Rogers, of Milton,	Warren, of Pulaski,
Rumph,	Warren, of Houston,
Sale,	Watkins,
Scott,	Watts,
Sharpe,	Watson,
Shannon,	Weaver,
Sharman,	Williams, of Bryan,
Simmons, of Gwinnett,	Williams, of Harris,
Simmons, of Crawford,	Williams, of Ware,
Singleton,	Wikle,
Skelton,	Willingham,
Smith, of Bryan,	Womack,
Solomon,	Wootten, of DeKalb,
Sorrels,	Wooten, of Terrell,
Stewart,	Wright, of Coweta,
Strickland,	Young,
Taliaferro,	Zachery.

So the ordinance as amended was lost.

Leaves of absence were granted to Messrs. Atkinson, of Camden, Doyal, Dunn, Daley, England, R. T. Jones, of Burke, Maples, Norman, Scarlett, Edwards, and Walker, of Richmond.

Mr. Davis, of Jackson, moved to reconsider so much



of the journal of yesterday as relates to the adoption of the caption to the Constitution.

The Convention refused to reconsider.

Mr. Jenkins moved that the Constitution as adopted by sections and paragraphs should be taken up and finally read. Which was agreed to.

The first article of the Constitution was read, when Mr. Jenkins moved a suspension of the farther reading of the Constitution to enable Mr. Chappell to announce the death of the Hon. Hines Holt, late a delegate from the county of Muscogee, which he did in an elegant and appropriate manner, and concluded by introducing the following resolutions:

First. *Resolved*, That the members of the Convention deeply lament the death of their late associate in this body, the Honorable Hines Holt, a delegate from the County of Muscogee, and tender to his bereaved family their heartfelt condolence.

Second. *Resolved*, That as a mark of respect for his memory and sorrow for his death, the members will wear the usual badge of mourning on the left arm for the space of thirty days.

Third. *Resolved*, That a committee of four members of this Convention be appointed by the President to superintend the arrangements touching the remains of the deceased and attend them from this city to his late home in the County of Muscogee.

Fourth. *Resolved*, That the members of the Convention will in a body attend the remains of the deceased, from his late lodgings in this city, to the railroad depot.

Fifth. *Resolved*, That a copy of these resolutions be transmitted by the Secretary of the Convention to the family of the deceased.

Mr. Jenkins paid an eloquent and affecting tribute to the memory of the deceased and seconded the resolutions.

The following named delegates were appointed the committee under the third resolution:

Messrs. Williams, of Muscogee,  
Trice, of Talbot,  
Bivins, of Marion, and  
Bagley, of Chattahoochee.

On motion of Mr. Chappell, the Convention adjourned until 9:30 o'clock A. M. on Monday.

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MONDAY, NOVEMBER 6th, 1865.

9:30 O'Clock A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, the journal of Saturday was read.

Mr. Burts, by common consent, moved to reconsider so much of the journal of Friday as relates to the printing of one thousand copies of the Constitution, to enable him to propose an amendment thereto.

The motion to reconsider prevailed.

Mr. Burts moved to amend the resolution by adding the words "all ordinances and resolutions."

Mr. Dorsey moved to amend the amendment by adding

the words "of a public character passed up to the final adjournment."

The amendment of Mr. Burts as amended was agreed to, and the resolution as amended passed.

Mr. Hammond declined to move the reconsideration whereof he gave notice on Saturday.

Mr. Thomas moved to suspend the rules to enable him to introduce a resolution.

The Convention refused to suspend.

The Convention proceeded with the unfinished business which was the reading of the Constitution.

The second, third, fourth and fifth articles were accordingly read.

Mr. Jenkins moved the adoption of the Constitution.

Mr. Hill, of Morgan, asked Mr. Jenkins to withdraw his motion to enable Mr. Chappell to offer an amendment to the Constitution, an additional article, which was the ordinance introduced by him on Friday last, entitled "An Ordinance to annul the war debt and for other purposes."

The following message from His Excellency the Provisional Governor, by L. H. Briscoe, his Secretary, was received, read and referred with accompanying documents to the committee of seven, whereof Mr. Wikle is chairman.

*Mr. President:* I am directed by the Governor to deliver to the Convention a communication in writing, with accompanying documents.

(See page 78.)

Mr. Chappell's ordinance was taken up and read and

offered by him as an amendment to the Constitution. When Mr. Kenan moved the previous question.

The move being seconded the main question was put which was the adoption of the Constitution as read, and the Constitution was adopted.

Mr. Jenkins, chairman of the Committee of Sixteen, reported that the committee were unable to agree on the subject of the repudiation of the war debt and returned to the convention the ordinances and resolutions relating thereto which had been referred to said committee, and asked that the committee be discharged from the further consideration of that subject.

Mr. Chappell called up his ordinance, when Mr. Alexander, of Thomas moved as a substitute the following:

“An ordinance to declare the public debt of Georgia, created to promote the war of rebellion illegal, null and void.”

Official information having been received that the President of the United States can not recognize the people of any State as having resumed the relations of loyalty to the Union that admits as *legal obligations* contracts or debts created by them to promote the war of the rebellion, it is therefore

*Ordained by this Convention*, That the debt of the State of Georgia, created for the purpose aforesaid is illegal, and therefore null and void.

Mr. Dart moved the following as a substitute:

An ordinance to provide for the payment of the public debt of the State of Georgia.

*Be it ordained by this convention*, That the ensuing

Legislature of Georgia, be required to ascertain the public debt of the State of Georgia, and to provide for payment of same by issuing bonds in equal sums at ten, twenty and thirty years, with interest at seven per cent. payable semi-annually. That the basis of such debts shall be the gold value at such times as said notes, bonds or certificates were disposed of or issued by the State authority.

Mr. Black of Screven, offered the following as a substitute:

“The people of this State recognize the power of the United States Government to prescribe the terms of re-admission of the State of Georgia into the Union, and having received instructions from His Excellency, the President, and the Secretary of State of that Government, that the repudiation of the so-called war debt is a condition precedent thereto, and being desirous of such re-admission at the earliest possible day. And further, being desirous of discharging all of the consistent and binding obligations of this State;

*Be it ordained*, That the people of Georgia, recognize the binding effect of all their obligations and it is their desire to properly discharge them.

*And be it further ordained*, That the General Assembly of Georgia, be and is hereby directed to enact such necessary and proper laws as will reduce such war debt, and all other expenditures and issues of the State made during the existence of the late unhappy war, to a specie basis corresponding to their true value at the date or dates of issue and by law to make arrangements for the payment thereof. *Provided*, That if the next Congress of the United States shall refuse to re-admit the State

into the Union by reason thereof, that then it shall be the duty of the General Assembly to repudiate the said debts as of necessity.

Mr. Lewis of Greene, rose to a point of order, that under the rule it was necessary to take a vote on the second substitute, which sustained a like relation to the original ordinance as an amendment before further substitutes or amendments could be offered.

The point was sustained.

Mr. Hansell moved that the rule be modified so as to allow any member to offer whatever substitute or amendment he may choose in order that the opinions of members on the subject might be brought before the convention.

Mr. Seward insisted that under the rule the motion of Mr. Hansell must lie over one day; so the motion of Mr. Hansell was not entertained.

Mr. Saffold moved that the original ordinance and substitutes and amendments be referred to a special committee with instructions to report at 3:30 o'clock, p. m. Lost.

Mr. Hammond of Fulton, offered the following as an amendment to the substitute of Mr. Alexander of Thomas:

"But while as loyal citizens of the United States, we *bona fide* acquiesce in the arbitrament of war which has decided that said debt is not a loyal obligation, at least certain parts of the same, as between the citizens of this State, constitute a debt of honor and should be paid upon an equitable basis of settlement." Lost.

Mr. Chappell amended his ordinance by striking out in the second Section the words "impartial and disinter-

ested proof," and inserting in lieu thereof the words "competent testimony."

Mr. Seward moved to take up the original ordinance of Mr. Chappell by Sections, which was ruled out of order.

Mr. Simmons of Gwinnett, moved to strike out all after the caption of Mr. Chappell's ordinance and substitute the following:

*Be it ordained by the people of Georgia, in convention assembled, That it shall be the duty of the Legislature at the next session thereof to ascertain the specie value received by the State for each class of bonds, notes, etc., when negotiated or issued from the Treasury, during the late Civil War, and to provide by law for the payment thereof, with such interest as may be found just and right on each class, at such specie value; which payment may be provided for by a sale of such portion of the State property as may be necessary for that purpose by issuing new treasury notes, such as could be circulated as money among the people, for the redemption of those now outstanding, or State bonds payable at such future time as that the profits of the State road and other public property would be sufficient to pay the same at maturity or both, or by levying a tax payable in kind upon such outstanding treasury notes, for their redemption in whole or in part, or by such other means as that body may see fit to adopt; provided, That no tax except such tax in kind, payable in such outstanding treasury notes shall be levied upon the people to pay said debt, or any part thereof. And provided, further, That if the government of the United States shall require the State of Georgia, as a condition precedent to her restoration to*

all her civil and political rights as a constituent member of the Federal Government, that she shall repudiate a part or the whole of her war debt, then, and in that event said war debt or such part thereof and all bonds, notes, certificates and other securities issued and now outstanding for the payment of the same, is and are hereby declared to be null and void to all intents and purposes whatever." Which motion was lost.

A vote was taken on the amendment of Mr. Black of Screven, and the amendment voted down.

Mr. Dart's substitute was lost.

Mr. Warren of Pulaski, moved as an amendment to Mr. Alexander's substitute to strike out all after the word "Rebellion" in the preamble, and insert in lieu thereof, the following:

*"Be it therefore ordained by the people of Georgia in convention assembled, That all bonds, bills, treasury notes and other securities issued by the State of Georgia, or by any officer thereof to aid directly or indirectly in carrying on or supporting the late war against the United States, be, and they are each and all of them, hereby declared null and void, and the Legislature of this State is forever prohibited from recognizing the same or any part of them, or in any way, directly or indirectly, providing for the payment of the same or any part thereof."* Which was lost.

Mr. Hill of Morgan, moved to amend the ordinance of Mr. Chappell by striking out in the second clause all after the words "carrying on the war" and inserting in lieu thereof, the following:

*"Provided, That nothing herein contained shall pre-*



vent any Legislature hereafter to assemble from making appropriations of money for the payment of any claim against the State, originating after the 19th of January, 1861, where it shall be made clearly to appear that such claim was founded upon a consideration disconnected with any purpose of aiding or assisting the prosecution of the late war against the United States and not incidental to a state of war." Agreed to.

Mr. Cohen moved as a substitute for the whole the following: *Whereas*, The payment of the State debt, contracted for carrying on the war according to its intrinsic value or the repudiation of the same, is a question of vital importance in which the people of Georgia are deeply interested, as on them will rest the responsibility of repudiation or the burthen of payment. *And whereas*, The said people have not yet had the opportunity of expressing their opinions and will not have an opportunity to do so at the election to be held on the 15th of the present month. Be it therefore

*Resolved*, That the consideration of the whole subject be postponed for the present, and be specially referred to the Legislature to be elected in October, 1867.

Mr. Chappell moved to add the following amendment to the substitute offered by Mr. Alexander:

*"Be it further ordained*, That this ordinance shall be part of the Constitution and fundamental law of the State."

Mr. Kenan rose to a point of order: that the convention having refused to incorporate the ordinance of Mr. Chappell, whereof the amendment proposed is a part, into

the Constitution today, it is out of order now to move it again.

The point of order was over-ruled.

The convention took a recess until 3:30 o'clock, p. m.

3:30 O'Clock, P. M.

The convention re-assembled.

Leave of absence was granted to Mr. Ridley of Jones, on account of sickness.

Mr. Barnes, chairman of the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President the following ordinances and resolutions:

A resolution to print 500 copies of the report of Comptroller-General.

Resolutions on the death of the Hon. Benjamin H. Rice, delegate elect from the County of Quitman.

Resolution to add another to the rules of the convention.

Resolution from Auditing Committee to have 300 blanks printed.

Resolution asking Provisional Governor Johnson to furnish copies of his telegrams to Washington, respecting repudiation of war debt and all correspondence on the subject.

An ordinance to ratify certain acts, judgments and other proceedings therein mentioned.

Resolutions in regard to the death of the Hon. Hines Holt.

A resolution authorizing the Committee of Seven, appointed to take into consideration the subject of the cotton hitherto belonging to this State, to send for persons and papers.

Also, a resolution asking of His Excellency, James Johnson, additional information in regard to the purchase of cotton and tobacco to be communicated to Committee of Seven, to whom was referred his message and accompanying documents.

Also, preamble and resolutions reported by Committee of Seventeen, respecting organization of volunteer or militia companies.

Also, an ordinance to legalize contracts made by guardians, administrators, executors and trustees, with the freedmen for the benefit of their wards and estates, and to authorize said guardians, etc., to make such contracts until provided for by the Legislature.

Also, an ordinance making it the duty of the General Assembly of the State of Georgia, to provide for the support of indigent widows and orphans of deceased soldiers of this State, and for other purposes therein named.

The convention proceeded to the consideration of the unfinished business, which was the amendment of Mr. Chappell to the substitute of Mr. Alexander, and after elaborate discussion, the amendment was lost.

Mr. Wright of Coweta, then moved that inasmuch as the amendment of Mr. Chappell to the substitute of Mr. Alexander had been rejected, that so much of the orig-

inal ordinance introduced by Mr. Chappell as is in the same words, be stricken therefrom.

Upon which Mr. Seward called the yeas and nays, which were ordered and were as follows:

Yeas, 156; nays, 108.

Those voting in the affirmative were: Messrs.

Alexander of Thomas,	Cole,
Anderson of Chatham,	Cook,
Anderson of Cobb,	Covington,
Arnold of Walton,	Cureton,
Ashley,	Cutts,
Atkinson of Troup,	Dart,
Atkinson of Camden,	Davis of Floyd,
Bacon,	Davis of Jackson,
Barksdale,	Dailey,
Barnes,	DeGraffenried,
Barnett,	Dowda,
Baxter,	DuBose,
Bell of Forsyth,	Dupree,
Bell of Webster,	Ellington of Clayton,
Bethune,	England,
Blance,	Freeman,
Black of Screven,	Felton,
Blount,	Floyd,
Brewer,	Gillis,
Brightwell,	Gibson,
Burts,	Gunnels,
Cabaniss,	Goode of Houston,
Callaway,	Graham,
Candler,	Horne,
Chandler,	Hill of Troup,
Christy,	Holt of Bibb,
Clement,	Humber,
Cochran of Terrell,	
Cohen,	

Hudson of Brooks,  
Holmes,  
Harris of Clark,  
Harris of Taliaferro,  
Harris of Hancock,  
Harris of Worth,  
Hook,  
Hammond,  
Howard of Bartow,  
Huie of Fayette,  
Hansell,  
Harvey,  
Hood,  
Hail,  
  
Irwin,  
  
Jackson,  
Jenkins,  
Jones of Columbia,  
Jones, M. D., of Burke,  
  
Kirksey,  
Kenan,  
King of Greene,  
King of Richmond,  
Kimbrow,  
  
Lamar,  
Lawson,  
Lawrence,  
Lewis of Greene,  
Logan of White,  
Logan of Bibb,  
Logan of Dawson,  
Lovett,  
Lloyd,  
  
Middleton,  
Moore of Floyd,  
Moore of Webster,  
Morgan,

Murphry,  
Mallard,  
Manning,  
Marler,  
Martin of Echols,  
Matthews of Oglethorpe,  
Matthews of Washington,  
McCroan,  
McDaniel,  
McDuffie of Marion,  
McGregor,  
McIntyre,  
McLeod,  
McRae of Telfair,  
  
Nash,  
Neal,  
  
Parker of Johnson,  
Parks,  
Patton,  
Pendleton,  
Perry,  
Puckett,  
  
Rawls,  
Reese,  
Reynolds,  
Ridley of Troup,  
Roberts of Warren,  
Robinson of Early,  
Rogers of Milton,  
Rouse,  
  
Sale,  
Scruggs,  
Scott,  
Sharpe,  
Shockley,  
Simmons of Gwinnett,  
Simmons of Crawford,

Skelton,	Warren of Pulaski,
Smith of Coweta,	Warner,
Solomon,	Watson,
Sorrels,	Whitaker,
Stapleton,	Winn,
Stephens,	Williams of Baker,
Stewart,	Williams of Harris,
	Willingham,
Thompson of Jackson,	Wimberly,
Thomas,	Womack,
Tison,	Wootten of DeKalb,
Turner of Campbell,	Wooten of Terrell,
Turner of Quitman,	Wright of Coweta,
Turnipseed,	Wright of Dougherty,
Underwood,	Zachery.

Those voting in the negative were: Messrs.

Adair,	Crawford of Decatur,
Adams of Elbert,	Dickey,
Allen,	Dixon,
Alexander of Pike,	Dorminy,
Arnold of Henry,	Dorsey,
	Douglass,
Barlow,	Driver,
Brassell,	Ellington of Gilmer,
Black of Walker,	Edwards,
Bower,	Fowler,
Bowers,	Fraser,
Bowen,	Grant,
Boyd,	Gordon,
Brady,	Giles,
Brantley,	Goode of Pickens,
Brewton of Bulloch,	Glover,
Bush,	Henry,
Chappell,	Herring,
Clark,	Hill of Morgan,
Cochran of Wilkinson,	
Colley,	

Hopkins,  
Hudson of Schley,  
Hudson of Wilkinson,  
Highsmith,  
Howard of Towns,  
Hopps,  
Hand,  
Huie of Clayton,  
Harlan,  
Johnson of Campbell,  
Johnson of Heard,  
Johnson of Spalding,  
Jordan,  
Kelley,  
King of Rabun,  
Knight,  
Lasseter,  
Lewis of Dooly,  
Luffman,  
Monroe,  
Morel,  
Morris,  
Martin of Carroll,  
Martin of Habersham,  
Matthews of Upson,  
Mattox,  
McCrary,  
McCutchen,  
McRae of Montgomery,  
Merrill,  
Newsom,  
Pafford,  
Parrott,  
Paulk,

Penland,  
Powell,  
Quillian,  
Redding,  
Richardson,  
Riley of Lumpkin,  
Roberts of Dooly,  
Roberts of Echols,  
Robinson of Laurens,  
Rogers of Gordon,  
Rumph,  
Saffold,  
Seward,  
Shannon,  
Sharman,  
Singleton,  
Smith of Bryan,  
Strickland,  
Taliaferro,  
Thompson of Gordon,  
Thompson of Haralson,  
Walker of Carroll,  
Warren of Houston,  
Watkins,  
Ware,  
Watts,  
Weaver,  
Welchel,  
Williams of Bryan,  
Williams of Haralson,  
Williams of Ware,  
Wikle,  
Wright of Emanuel,  
Young.

So the motion prevailed.

On motion the convention adjourned until 9:30 o'clock,  
a. m., tomorrow.

TUESDAY, NOVEMBER 7<sup>TH</sup>, 1865,

9:30 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, the journal of yesterday was read.

Mr. Chappell gave notice that he should move to reconsider so much of the journal of yesterday as records the action of the Convention striking out the clause in the ordinance offered by him, making said ordinance part of the Constitution of the State.

Mr. Barnes, chairman of the committee on enrollment, reported as duly enrolled and ready for the signature of the President the following ordinances and resolutions:

Resolution requesting one thousand copies of the Constitution, and all ordinances and resolutions of a public character, to be printed for the use of the members of the Convention.

A resolution tendering the Hon. Wm. M. Burwell a seat on this floor.

A resolution authorizing the President of this Convention to appoint a committee of five, to be styled the committee on journals.

A resolution tendering seats to ex-Governor Joseph E. Brown, and others.

A resolution in relation to drawing for seats.

A resolution that committee of sixteen take into con-



sideration the necessity of providing temporary organizations of militia in each county. Also,

A resolution to recommit the second article of the Constitution to the committee of sixteen, with instructions to report a plan of reduction. Also,

A resolution adopting the rules of the Convention of 1861 for the government of this Convention. Also,

A resolution to substitute as a rule of this Convention in lieu of existing rule on the subject. Also,

A resolution authorizing the President of the Convention to appoint enrolling and auditing committees. Also the Constitution of the State of Georgia.

Mr. Hill, chairman of the committee of five, to whom was referred "an ordinance to authorize the Courts of this State to adjust the equities between parties to contracts made during the war against the United States, and to admit parol or other evidence to explain the same," reported the following as a substitute therefor, and recommended the adoption of the substitute:

#### AN ORDINANCE

To make valid private contracts entered into and executed during the war against the United States, and to authorize the courts of this State to adjust the equities between parties to contracts made, but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

Section 1. *The people of Georgia, in Convention assembled, do ordain, That all private contracts made and*

executed during the war against the United States, and not in violation of the Constitution and laws of this State, or of the United States, shall be as valid and binding as if made and executed before hostilities commenced.

Sec. 2. *And it is further ordained*, That all contracts made during said war whether expressed in writing or implied, or existing in parol and not yet executed, shall receive an equitable construction, and either party in any suit for the enforcement of any such contract, may upon the trial give in evidence the consideration and the value thereof at any time and the intention of the parties as to the particular currency in which payment was to be made, and the value of such currency at any time, and the verdict and judgment rendered shall be on principles of equity.

Sec. 3. *And it is further ordained*, That executors, administrators, guardians and trustees, shall have power to settle or compromise all claims or evidences of debt, in their possession created since the 19th day of January, 1861, contracted with reference to payment in Confederate States of America Treasury notes or other currency of a depreciated value, and accept in satisfaction of such indebtedness the fair and reasonable value of such claims.

Which on motion of Mr. Warren, lies over under the rule.

Leaves of absence was granted for the balance of the session to Messrs. Hammond, Jackson of Whitfield, McLeod, and Wright of Emanuel, Hopkins, Rumph, and Powell of Fannin.

Mr. Nichols moved to suspend the rule to allow him to introduce an ordinance. Granted.

Mr. Nichols introduced the following:

*Be it ordained by the people of Georgia, in Convention assembled,* That the voters of those counties of the State of Georgia, in which from the short notice given, elections for members of the General Assembly cannot be held on the 15th inst., as provided by the Constitution, be and they are hereby authorized to hold said elections on Saturday the 25th inst., and that the members elected as aforesaid be allowed to take their seats at the earliest practicable day after the General Assembly shall convene, under the same rules and regulations as if they were elected on the day first aforesaid.

*And be it further ordained,* That three hundred copies of this ordinance be printed for the use of the members of this Convention.

The rule was on motion of Mr. Nichols suspended, the ordinance taken up, read three times and put upon its passage.

Mr. Hopkins moved to amend by including all elections.

Mr. Candler moved the previous question, which being sustained, the main question was put, and the original ordinance adopted.

Mr. Jenkins, chairman of the committee of sixteen, submitted the following resolution, and asked the adoption of the same—the rule suspended, the report agreed to and the resolution adopted:

In view of the changed relations of the citizens of

this State, to the large number of persons recently held by them as slaves, but now recognized as freedmen, and of the imperative obligation resting upon the former to give efficient protection to the latter, and to promote among them the observance of law and order, habits of industry and moral improvement.

1st. *Be it resolved*, That a commission of five persons, viz: Messrs. Ebenezer Starnes of Richmond, Linton Stephens of Hancock, Wm. Hope Hull of Clarke, Logan E. Bleckley of Atlanta, and Lewis N. Whittle of Bibb, be and they are hereby appointed forthwith to prepare and report to the Governor at the earliest practicable day, to be laid before the General Assembly at the next session, a code or system of laws to carry into effect the fifth paragraph of the third section of the second article, and the third clause of the second section of the fourth article of the Constitution adopted by this Convention, and that they be requested to meet at Milledgeville on the 13th instant.

2. That any three of said commissioners may act and may in their discretion fill vacancies in their own body occasioned by the non-acceptance or resignation of any member of it, and that this resolution be communicated by the Secretary to each commissioner.

3. That the General Assembly be requested to make provision for their compensation.

Mr. Jenkins, chairman of the committee of sixteen, reported the following resolutions and recommended their adoption:

*Resolved*, That the repealing ordinance, the Constitution and all other ordinances adopted by this Conven-

tion, when signed by the President and countersigned by the Secretary, be presented to His Excellency the Provisional Governor, with a request that he cause the same to be sealed with the great seal of the State, adopted by this Convention, filed in the office of Secretary of State, and by him recorded in a book suitable to the permanent preservation of the same.

2d. *Resolved*, That a second copy of the said repealing ordinance and of the Constitution, signed, countersigned and sealed as aforesaid, be placed in the hands of His Excellency the Governor, as well as a second copy of any other ordinance designated by him for the purpose of being transmitted to His Excellency the President of the United States, together with a copy signed and countersigned as aforesaid, of the address to the President, adopted by the Convention.

3d. *Resolved*, That the journal of this Convention be deposited in the office of the Secretary of State, and that thirteen hundred copies thereof be printed and distributed as follows: one copy to each member of the Convention, one to each member of the next General Assembly, one to each Judge of the Supreme and Superior courts, and one to the Ordinary of each county; and that to said copy of the Journal so printed there be added an appendix, containing the Constitution, ordinances and resolutions adopted by this Convention, together with an index.

4th. *Resolved*, That Messrs. deGraffenried of Baldwin, Humber of Putnam, and Cochran of Wilkinson, be a committee to bring up the unfinished business of the Convention.

The report was taken up, when Mr. Humber asked to be excused from serving on the committee appointed in the fourth resolution.

He was excused and Mr. Blount of Jones, substituted in his place.

On motion of Mr. Hill of Morgan, the third resolution was amended by adding after the word "ordinary," the words "the Clerks of the Superior and Inferior Courts."

The report was agreed to and the resolutions as amended were adopted.

Mr. Jenkins, chairman of the committee of sixteen, made the following report:

The committee of sixteen, to whom was referred an ordinance to provide for the payment of Ordinaries and Clerks of the Superior courts of this State, for certain services rendered by said officers, report: That in their opinion the object contemplated is a good one and that justice requires that the services referred to be promptly and fairly compensated, but they believe that the duty of compensation rests upon the General Assembly rather than upon this Convention. They therefore advise that the following resolution be passed in lieu of the ordinance reported:

*Resolved*, That in the opinion of this Convention it is incumbent on the General Assembly soon to meet to make early and just compensation to the Ordinaries and Clerks of the courts of the several counties for services rendered in administering to citizens the amnesty oath prescribed in the President's Proclamation, as directed by

his Excellency Governor James Johnson, and that they be and are respectfully requested so to do.

The report was agreed to, and the resolution reported by them was adopted.

Mr. Jenkins, chairman of the committee of sixteen, reported the following ordinance and recommended its adoption:

#### AN ORDINANCE

To authorize the Provisional Governor, or his successor, to borrow a sum of money for the pressing necessities of the Western and Atlantic Railroad.

*The people of the State of Georgia, in Convention met, do ordain, That His Excellency, the Provisional Governor, or his successor, be, and either of them is, hereby authorized and empowered to borrow a sum of money not exceeding one hundred thousand dollars, at a rate of interest not exceeding seven per cent per annum, upon bonds of the State of Georgia, in such form and upon such time as he may deem expedient, to be used under his discretion in supplying the pressing necessities of the Western and Atlantic Railroad; and further, that the income from said railroad may be pledged for the payment of the interest and principal of said bonds as the same may become due.*

The report was agreed to, the ordinance read three times and passed.

Mr. Jenkins, chairman of the committee of sixteen, made the following

## REPORT:

To His Excellency ANDREW JOHNSON,

*President of the United States of America:*

The people of the State of Georgia, now in Convention, having repealed all ordinances and resolutions by them heretofore adopted, with a purpose to separate themselves from the United States, and to enter into another Confederacy; and having adopted a Constitution strictly republican, wherein the supremacy of the Constitution, constitutional laws, and treaties of the United States of America are distinctly affirmed; having therein recognized the emancipation, by the United States Government, of persons previously held as slaves in this State, and ordained, in the fundamental law, that neither slavery nor involuntary servitude (save as a punishment for crime), shall hereafter exist in Georgia; and having, as they conceive, done all things necessary and proper, on their part, to the full and complete restoration of their State to her rights and privileges as a State, and as a member of the American Union, respectfully request that all needful Executive and Legislative measures be taken to effect such restoration as speedily as possible.

We, the delegates of the people, fully informed as to their purposes and desires, assure your Excellency that it is their fixed intention to perform their whole duty as citizens of the United States; that their desire is to live under the Constitution, in peace and harmony with the whole people, and to see sectional strife banished forever from the national councils.

We moreover express to you, sir, their entire confi-



dence in your just and kind intentions towards them; and their anticipations of your conciliatory and trustful consideration of their acts and doings in this Convention.

On motion of Mr. Hill of Morgan, the report was laid on the table for the present.

Mr. Jenkins, chairman of committee of sixteen, reported the following resolutions and recommended their adoption:

1st. *Resolved*, That the thanks of this Convention be tendered to His Excellency the Provisional Governor, for his acceptance of the office, for the considerate kindness with which he has administered its delicate and difficult details and for his courtesy to this body.

2d. That His Excellency be requested to forward to the President of the United States copies of the repealing ordinance and of such other ordinances and resolutions as he may deem proper; also, copies of the Constitution and address to the President, adopted by the Convention.

3d. That His Excellency the Governor be requested to draw his warrant or warrants upon the Treasury in payment of the accounts for printing ordered by this Convention; and also, the printing of blanks furnished Ordinaries to administer the amnesty oath at the rates fixed by law, as the same may be executed, if there be funds in the Treasury to meet said demands.

On motion, the report was laid upon the table for the present.

Mr. Jenkins, chairman of the committee of sixteen, reported the following ordinance:

## AN ORDINANCE

For the relief of the banks of the State and the officers of said Banks.

WHEREAS the banks of this State have become greatly embarrassed in their affairs, not by any mis-management of the directors of said banks, but by the troubles of the times, and the legislation of the State of Georgia with reference to said banks:

*The people of Georgia in Convention assembled, do ordain,* That all pains and penalties heretofore imposed upon said banks and their officers by any previous legislation of the General Assembly of the State for the failure of said banks to redeem their liabilities in gold and silver, be, and the same are, hereby repealed; *provided,* this shall not apply to any liability to any individual arising upon a contract.

*And it is further ordained by the authority aforesaid,* That said banks be and they are hereby authorized to make an assignment for the benefit of their creditors and go into liquidation. Mr. Parrott moved to amend by striking out the word "repealed" and inserting the words "suspended until the Legislature shall otherwise direct."

Mr. Seward moved the previous question, which being sustained, the main question was put, upon which Mr. Parrott demanded the yeas and nays, which being recorded, were as follows:

Yeas 125; nays 132:

Those who voted in the affirmative were: Messrs.

Adair,	Gillis,
Alexander of Pike,	Gibson,
Alexander of Thomas,	Giles,
Anderson of Chatham,	Goode of Houston,
Anderson of Cobb,	Hail,
Arnold of Henry,	Hansell,
Atkinson of Troup,	Horne,
Atkinson of Camden,	Hill of Morgan,
Bacon,	Hill of Troup,
Barksdale,	Holt of Bibb,
Bassell,	Hopkins,
Baxter,	Humber,
Black of Screven,	Hudson of Brooks,
Blount,	Holmes,
Brantley,	Harris of Clark,
Brightwell,	Harris of Taliaferro,
Cabaniss,	Harris of Hancock,
Callaway,	Highsmith,
Candler,	Hand,
Chappell,	Irwin,
Cochran of Terrell,	Jenkins,
Cohen,	Johnson of Clark,
Cole,	Johnson of Spalding,
Cook,	Jones of Columbia,
Cutts,	Jones, M. D., of Burke,
Cureton,	Kirksey,
Dart,	Kenan,
Davis of Floyd,	King of Greene,
Davis of Jackson,	King of Richmond,
Dixon,	Kimbro,
Dowda,	Lamar,
Driver,	Lawrence,
DuBose,	Lewis of Greene,
Dupree,	Logan of Bibb,
Floyd,	

Lovett,	Sale,
Lloyd,	Scott,
Middleton,	Seward,
Moore of Floyd,	Simmons of Crawford,
Morgan,	Skelton,
Mallard,	Smith of Bryan,
Manning,	Smith of Coweta,
Marler,	Solomon,
Martin of Echols,	Stapleton,
Matthews of Oglethorpe,	Stephens,
McDuffie of Marion,	Stewart,
McGregor,	Thomas,
McIntyre,	Turk,
McLeod,	Turner of Campbell,
McRae of Telfair,	Turner of Quitman,
Nash,	Warren of Pulaski,
Newsom,	Warren of Houston,
Nichols,	Watts,
Park,	Watson,
Patton,	Whitaker,
Pendleton,	Winn,
Perry,	Williams of Baker,
Reese,	Williams of Bryan,
Ridley of Troup,	Willingham,
Riley of Taylor,	Wimberly,
Rogers of Milton,	Wootten of DeKalb,
Rumph,	Wootten of Terrell,
	Wright of Coweta,
	Wright of Emanuel,

Those who voted in the negative were: Messrs.

Adams of Elbert,	Barlow,
Allen,	Barnes,
Arnold of Walton,	Barnett,
Ashley,	Bell of Forsyth,

Bell of Webster,	Herring,
Bethune,	Hudson of Schley,
Blance,	Harris of Worth,
Black of Walker,	Hook,
Bower,	Howard of Bartow,
Bowers,	Howard of Towns,
Bowen,	Hopps,
Boyd,	Harvey,
Brady,	Harlan,
Brewer,	Hood,
Brewton of Bulloch,	Johnson of Campbell,
Burts,	Johnson of Heard,
Bush,	Jones, R. T., of Burke,
Chandler,	Jordan,
Clark,	Kelley,
Colley,	Kirkland,
Covington,	King of Rabun,
Crawford of Decatur,	Knight,
Dailey,	Lasseter,
DeGraffenried,	Lawson,
Dickey,	Lewis of Dooly,
Dorminey,	Logan of White,
Dorsey,	Logan of Dawson,
Douglass,	Luffman,
Ellington of Gilmer,	Monroe,
England,	Moore of Webster,
Edwards,	Morel,
Freeman,	Morris,
Fraser,	Murphry,
Felton,	Martin of Carroll,
Grant,	Martin of Habersham,
Gunnels,	Matthews of Upson,
Goode of Pickens,	Matthews of Washington,
Glover,	Mattox,
Graham,	McCrary,
Henry,	McCroan,
	McCutcheon,

McDaniel,	Shannon,
McRae of Montgomery,	Sharman,
Merrill,	Shockley,
Neal,	Simmons of Gwinnett,
Pafford,	Sorrels,
Parrott,	Strickland,
Parker of Murray,	Taliaferro,
Paulk,	Thompson of Jackson,
Penland,	Thompson of Gordon,
Powell,	Thompson of Haralson,
Puckett,	Tison,
Quillian,	Turnipseed,
Rawls,	Underwood,
Redding,	Walker of Carroll,
Reynolds,	Watkins,
Richardson,	Warner,
Riley of Lumpkin,	Ware,
Roberts of Dooly,	Weaver,
Roberts of Warren,	Welchel,
Robinson of Early,	Williams of Haralson,
Robinson of Laurens,	Williams of Harris,
Rogers of Gordon,	Williams of Ware,
Rouse,	Wikle,
Saffold,	Wright of Dougherty,
Seruggs,	Young,
Sharpe,	Zachery.

So the ordinance was lost.

On motion of Mr. Cabaniss the rule was suspended and he introduced the following:

#### AN ORDINANCE

To provide for the payment of the officers and members of the Convention.

*Be it ordained,* That the sum of ten dollars per day be paid to the President of this Convention during the present session, and the sum of four dollars for every twenty miles of travel going to and returning from the seat of Government, to be computed by the nearest carriage route usually travelled; the sum of six dollars per day to the members of the Convention, and the sum of four dollars for every twenty of miles of travel, under the same rule which applies to the President; the sum of eight dollars per day to the Secretary, and seven dollars each per day to the Assistant Secretary, Engrossing, Enrolling and other Clerks and the Clerk to the committee of sixteen, allowed by resolution of the Convention, with the same mileage as is allowed the members; and the sum of ten dollars to the Secretary for contingent expenses, or so much thereof as may be necessary to pay the same; the sum of six dollars each per day to the Doorkeeper, Messenger and Assistant Messenger, and the same mileage as is allowed the members; and the sum of fifteen dollars to the Messenger for contingent expenses.

Mr. Dorsey moved to amend by striking out "four dollars mileage," and inserting in lieu thereof, "five dollars mileage," and by striking out the words "the nearest carriage route usually travelled," and inserting in lieu thereof the words "the nearest public practicable mail route."

Mr. Cabaniss moved the previous question, which being sustained, the main question was put, and the ordinance of Mr. Cabaniss was adopted after having been three times read.

Leave of absence was granted Mr. Moore of Webster.

Mr. Chappell moved to reconsider so much of the journal of yesterday as relates to the action of the Convention whereby the paragraph in the ordinance introduced by himself, making said ordinance part of the Constitution and fundamental law of the State was rejected.

The Convention refused to reconsider.

Mr. Wikle, from the committee of seven, made the following report, which was taken up:

The committee of seven, to whom was referred the Governor's message and accompanying documents in relation to the cotton purchased by the State, beg leave to make the following

#### REPORT:

The committee finding it impracticable from the limited time which the Convention may continue in session to perform the duty assigned them in giving the finances of the State, that investigation the importance of the subject demands, recommend to the Convention the adoption of the following resolutions:

1st. *Resolved*, That His Excellency the Governor be recommended to appoint a commission of three competent persons to whom shall be assigned the duty of making a thorough examination and investigation of the financial operations of the State from the first of January, 1861, to the present time, and report the result of such investigation to next Legislature.

2d. *That* the commissioners so appointed shall, before entering on the discharge of their duties, be sworn faith-



fully to discharge the duties of said commission and be authorized to administer oaths—send for persons and papers and have power to compel the attendance of witnesses, and to require all financial agents of the State to make such reports of their receipts and disbursements as may be necessary for the commissioners to arrive at the facts necessary to a proper discharge of their duty.

3d. *That* the Governor be authorized to pay such commissioners as he may appoint a fair and reasonable compensation for their services.

*Be it further resolved*, That the Provisional Governor be requested to take from Mr. Henry Brigham an assignment of all his interest in the sixteen hundred and fifty (1650) bales of cotton purchased by said Brigham from A. Wilbur, agent for the State, and on receiving such assignment that he pay Mr. Brigham any expense he may have incurred in and about said cotton, provided the same do not exceed two hundred (200) dollars, and also deliver up the notes of said Brigham given for said cotton.

*Be it further resolved*, That the Governor and our members in the Senate and Congress of the United States be respectfully urged to press the claim of this State for this cotton, and all other cotton belonging to this State and taken possession of by the United States' authorities.

The report was taken up, read and adopted.

Mr. Johnson of Campbell, introduced the following resolution:

*Resolved*, That this Convention adjourn *sine die* on Wednesday the eighth instant, at 12 o'clock, m.

Mr. Harris of Hancock, moved to amend by striking out the words "on Wednesday the eighth instant at 12 o'clock, m.," and inserting in lieu thereof the words "at 10 o'clock, p. m., to-day."

Mr. Weaver moved the previous question, which being sustained, the main question was put and the resolution was adopted.

The Convention proceeded to the consideration of the unfinished business of yesterday, which was the substitute offered by Mr. Cohen.

Mr. Harvey moved to amend by striking out the words "General Assembly of 1867," and inserting in lieu thereof the words "the next General Assembly." Lost.

Mr. Parrott moved the previous question, and the motion being sustained, the main question was put and the vote taken on the adoption of the ordinance introduced by Mr. Chappell as amended.

Upon which Mr. Candler required the yeas and nays to be recorded.

They were as follows: Yeas 135; nays 117.

Those voting in the affirmative were Messrs.

Adams of Elbert,	Baxter,
Allen,	Bell of Forsyth,
Alexander of Pike,	Bethune,
Alexander of Thomas,	Black of Walker,
Ashley,	Bower,
	Bowers,
Barlow,	Bowen,
Brassell,	Boyd,

Brady,  
Brantley,  
Brewton of Bulloch,  
Brightwell,  
Bush,  
Cameron,  
Chappell,  
Clark,  
Cochran of Wilkinson,  
Colley,  
Crawford of Decatur,  
Cutts,  
Cureton,  
Dickey,  
Dixon,  
Dorminy,  
Dorsey,  
Douglass,  
Driver,  
Ellington of Gilmer,  
England,  
Edwards,  
Fraser,  
Grant,  
Giles,  
Goode of Pickens,  
Graham,  
Henry,  
Herring,  
Hill of Morgan,  
Hopkins,  
Hudson of Schley,  
Hudson of Wilkinson,  
Highsmith,  
Howard of Towns,  
Hopps,

Huie of Clayton,  
Harlan,  
Hood,  
Johnson of Campbell,  
Johnson of Heard,  
Johnson of Spalding,  
Jordan,  
Kelley,  
Kirkland,  
King of Rabun,  
Kimbrow,  
Knight,  
Lassetter,  
Lewis of Dooly,  
Logan of Dawson,  
Luffman,  
Monroe,  
Morel,  
Morris,  
Marler,  
Martin of Carroll,  
Martin of Habersham,  
Matthews of Upson,  
Mattox,  
McCutchen,  
McGregor,  
McIntyre,  
McRae of Montgomery,  
Merrill,  
Neal,  
Newsom,  
Nichols,  
Pafford,  
Parrott,  
Parks,  
Paulk,

Penland,	Taliaferro,
Quillian,	Thompson of Jackson,
Rawls,	Thompson of Gordon,
Redding,	Tucker,
Richardson,	Turk,
Riley of Taylor,	Turnipseed,
Riley of Lumpkin,	Walker of Carroll,
Roberts of Dooly,	Warren of Pulaski,
Roberts of Echols,	Warren of Houston,
Robinson of Laurens,	Watkins,
Rogers of Gordon,	Warner,
Rogers of Milton,	Ware,
Rouse,	Watson,
Rumph,	Weaver,
Saffold,	Welchel,
Scruggs,	Winn,
Scott,	Williams of Bryan,
Seward,	Williams of Harris,
Sharman,	Williams of Ware,
Singleton,	Wikle,
Skelton,	Womack,
Smith of Bryan,	Wooten of Terrell,
Smith of Coweta,	Wright of Emanuel,
Strickland,	Young.

Those voting in the negative were: Messrs.

Adair,	Bell of Webster,
Anderson of Chatham,	Blance,
Anderson of Cobb,	Blount,
Arnold of Henry,	Brewer,
Arnold of Walton,	Burts,
Atkinson of Troup,	Cabaniss,
Atkinson of Camden,	Callaway,
Bacon,	Candler,
Barksdale,	Chandler,
Barnett,	Cochran of Terrell,

Cohen,	Jenkins,
Cole,	Johnson of Clark,
Cook,	Jones of Columbia,
Covington,	Jones, M. D., of Burke,
	Jones, R. T., of Burke,
Dart,	Kirksey,
Davis of Floyd,	Kenan,
Davis of Jackson,	King of Greene,
DeGraffenried,	King of Richmond,
Dowda,	
Dubose,	Lamar,
Dupree,	Lawson,
Freeman,	Lawrence,
Felton,	Lewis of Greene,
Floyd,	Logan of White,
	Logan of Bibb,
Gillis,	Lovett,
Gibson,	Lloyd,
Gunnels,	
Goode of Houston,	Middleton,
Glover,	Moore of Floyd,
	Moore of Webster,
Horne,	Morgan,
Hill of Troup,	Murphry,
Holt of Bibb,	Mallard,
Humber,	Manning,
Hudson of Brooks,	Matthews of Oglethorpe,
Holmes,	Matthews of Washington
Harris of Clark,	McDaniel,
Harris of Hancock,	McDuffie of Marion,
Harris of Worth,	McLeod,
Hook,	
Hammond,	Nash,
Howard of Bartow,	
Hand,	Patton,
Hansell,	Pendleton,
Harvey,	Perry,
Hail,	Puckett,
Irwin,	Reese,

Reynolds,  
Ridley of Troup,  
Roberts of Warren,  
Robinson of Early,  
Sale,  
Sharpe,  
Shockley,  
Simmons of Gwinnett,  
Simmons of Crawford,  
Solomon,  
Sorrels,  
Stapleton,  
Stephens,  
Stewart,

Thomas,  
Turner of Campbell,  
Turner of Quitman,  
Underwood,  
Whitaker,  
Williams of Baker,  
Willingham,  
Wimberly,  
Wootten of DeKalb,  
Wright of Coweta,  
Wright of Dougherty,  
Zachery,

So the ordinance as amended was adopted.

On motion of Mr. Solomon the Convention took a recess until 3:30 o'clock, P. M.

3:30 O'clock, P. M.

The Convention re-assembled.

Mr. Mallard introduced the following resolution:

*Resolved*, That His Excellency the Governor be, and he is hereby, authorized and requested to draw his warrant on the Treasurer in favor of the Rev. W. Flinn for the sum of fifty dollars for his services rendered as Chaplain of the Convention. Agreed to.

Mr. Dupree of Twiggs, offered the following resolution:

*Resolved*, That the Secretary of this Convention be allowed the sum of ——— dollars for making out and arranging the index for the journal and bringing up the

unfinished business of the Convention, and correcting a proof-sheet of the same, and forwarding to each delegate to this Convention and to each Ordinary and each clerk of Superior and Inferior courts of each county of said State, a copy of said journal.

Mr. Hill of Morgan, moved to fill the blank by inserting the words "two hundred dollars." Agreed to.

The resolution as amended was adopted.

Messrs. Cochran of Wilkinson, and Hudson of Wilkinson, asked and obtained leave to record their votes in the affirmative on the passage of Mr. Chappell's ordinance.

Messrs. Tison, Horne, Mallard, Parker of Johnson, and Simmons of Gwinnett, were granted leave of absence for the balance of the session.

Mr. Holt of Bibb, introduced the following resolution:

*Resolved*, That a committee of five be appointed by the Chair, whose duty it shall be to memorialize His Excellency Andrew Johnson, President of the United States, invoking the executive clemency in behalf of those of our fellow citizens belonging to the classes excepted from the benefits of the late Amnesty Proclamation, and who may be as yet unpardoned.

Which was taken up and adopted.

The following committee was appointed under the above resolution:

Messrs. Holt of Bibb, Black of Screven, Candler, of DeKalb, Whitaker of Fulton, and Goode of Houston.

Mr. Hill of Morgan, called up the ordinance introduced by himself and amended the same by striking out in the second section the words "during said war" and inserting in lieu thereof the words "between 1st June 1861 and 1st June 1865," and in the third paragraph by striking out the words "since the 19th day of January 1861," and inserting in lieu thereof the words "between the 1st day of June 1861 and the 1st day of June 1865."

Mr. Warner moved to amend by adding at the end of second section the following words: *Provided*, that contracts executed within the time specified, and which were simply in renewal of original contracts made before the said first day of June shall stand upon the footing of contracts executed before hostilities commenced.

The amendment was agreed to.

The ordinance as amended was adopted,

Mr. Parrott moved that the President transmit by mail to the President of the United States the memorial and resolution respecting the pardon of Commodore Tattnall.

Agreed to.

Mr. Jenkins moved to take up the resolutions reported by the committee of sixteen, tendering thanks of the Convention to His Excellency the Provisional Governor, &c.

The resolutions were taken up, read and agreed to.

Mr. Jenkins moved to take up the report of the committee of sixteen, addressing the President of the United States.



Mr. Hill of Morgan, moved to recommit the report with instructions to include the fact of repudiating the war debt among the subjects specially referred to in the report.

Mr. Seward moved the previous question, which being sustained, the main question was put and the report of the committee was adopted.

Mr. Jenkins introduced the following preamble and resolutions which were taken up, read and adopted:

WHEREAS, under the acts of the Congress of the United States, and the instructions of the Treasury department, the assessors for the State of Georgia are about to assess a tax upon real estate, upon the valuation of 1860, and whereas the value of that description of property now upon the assessment is about to be made, is much below that of the year 1860, and will operate injuriously upon the agricultural interests of the State, now greatly depressed: Therefore,

*Resolved* 1st. That a committee of five, including the President of the Convention as Chairman, be appointed by the President, whose duty it shall be to memorialize the Hon. Hugh McCulloch, Secretary of the Treasury, requesting a suspension of the assessment until the meeting of the Congress of the United States, and that if compatible with his sense of justice he recommend such a modification of the internal revenue laws as will allow the assessment for the tax of 1864 to be made upon the present value of real estate.

2d. That said committee place the memorial when prepared, in the hands of the Provisional Governor, with the request that he forward it to the Secretary of the

Treasury, and give it the influence of his recommendation, if it comport with his sense of propriety.

Mr. Thomas, of Coweta, moved to suspend the rules in order to introduce a resolution. His motion prevailed and he introduced the following preamble and resolutions:

WHEREAS, the people of Georgia have been required by the General Government to prohibit slavery in their Constitution before the State would be permitted to resume its former position and again enjoy its civil rights in the Union, we deem it proper to make the following statement of facts and to pass the following resolutions:

We regard the institution of slavery as consistent with the dictates of humanity and the strictest principles of morality and religion, and in our judgment the negro race under our system of slavery has attained to a higher condition of civilization, morality, usefulness and happiness than it has under any other circumstances or in any other portion of the globe, and we are convinced that the destruction of slavery at the South, while it is a great injury to the white race, will prove to be a great curse to the black race; yet slavery having been destroyed by the action of the general Government of the United States, there are only two alternatives presented to the people of Georgia, to-wit: a recognition of that fact in the Constitution of the State, and a compliance on our part with the requirement of the Federal Government in demanding a formal prohibition of slavery in our Constitution; or perpetual military rule, with its consequent evils and burthens and perhaps total loss of our civil and constitutional rights.

Yielding therefore to the overruling necessities of our condition, and acting under the constraints which that condition imposes: It is

*Resolved*, That this Convention accepts in good faith the former alternative as one of the unavoidable results of the overthrow of the late revolution, and do hereby consent that it shall be incorporated in our Constitution that neither slavery nor involuntary servitude shall hereafter exist in this State, except for the commission of crime.

On motion of Mr. Luffman the preamble and resolutions were laid on the table for the balance of the session.

The following message was received from His Excellency James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit:

MR. PRESIDENT: I am directed by the Governor to deliver to the Convention a communication in writing.

(See page 97.)

The Convention on motion adjourned until 9:30 o'clock tomorrow morning.

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WEDNESDAY, NOVEMBER 8TH, 1865,

9:30 O'CLOCK, A. M.

The Convention met pursuant to adjournment, and after prayer by the Rev. Mr. Flinn, the journal of yesterday was read.

Mr. Lloyd gave notice of his purpose to move a reconsideration of so much of the journal as relates to the vote taken on the report of the committee of sixteen, entitled "an ordinance for the relief of the banks of this State and the officers of said banks."

Mr. Wikle gave notice of his purpose to move a reconsideration of so much of the journal as relates to the resolution of Mr. Johnson of Campbell, respecting the adjournment of the Convention.

Mr. McIntyre rose to a question of privilege and asked that inasmuch as the call for the previous question upon the adoption of the ordinance of Mr. Chappell to ignore the public debt created for war purposes had cut off all further discussion, and had prevented him and his colleague, Mr. J. R. Alexander, from giving the reasons which induced them to vote in favor of said ordinance, they might be allowed to have spread upon the journal the reasons which induced their votes.

The privilege was granted and their reasons are as follows:

"The undersigned delegates from the county of Thomas, beg leave to have entered on the journals of the Convention some of the reasons which induced them to vote for the ordinance of Mr. Chappell of Muscogee, as amended, to ignore the public debt created for war purposes.

1. Because the official information received from Washington "that the President of the United States can not recognize the people of any State as having resumed the relations of loyalty to the Union that admits as *legal obligations* contracts or debts created by them to

promote the war of the rebellion," and they are unwilling to place the State, their constituents or themselves in a position of antagonism to the United States or its authorities.

2. Because they (in common with all others who have taken the amnesty oath) have not only sworn to support the Constitution of the United States, but the Union of the States thereunder, and they feared that they might violate that oath by voting against the ordinance.

3. Because they were unwilling to postpone the State by any action of theirs to an early restoration to her former position in the Union, and as they voted for the emancipation clause in the Constitution, so they voted for this ordinance.

4. That while their feelings are utterly opposed to the abstract proposition of repudiation and were willing to pay an equitable and just proportion of the honest part of this debt, to preserve the honor of the State, yet for the reasons aforesaid, together with others which might be named, and in deference to the expressed wishes of the authorities at Washington, they forego their private wishes and feelings.

A. T. MCINTYRE,

J. R. ALEXANDER,

Delegates from Thomas county.

Mr. Lloyd moved to reconsider so much of the journal of yesterday as relates to the vote on the ordinance

reported by the committee of sixteen for the relief of banks, etc.

The motion did not prevail.

Mr. Wikle moved to reconsider so much of the journal as relates to the vote on the resolution "to adjourn *sine die* at 12 o'clock m. on Wednesday the 8th instant."

The motion to reconsider prevailed; when Mr. Wikle offered the following as a substitute for the resolution of Mr. Johnson, of Campbell:

WHEREAS a contingency may arise which will make it necessary for the re-assembling of this Convention, and to prevent the agitation and excitement that might ensue from another election. Be it therefore

*Resolved*, That when this Convention adjourns today at 12 o'clock m., it stand adjourned subject to the call of the President of the same should a contingency arise in regard to our Federal relations or other cause which in his judgment will make it necessary for the Convention to be again convened, *provided*, said call be made within six months; if not made within that time, then this Convention to stand adjourned *sine die*.

2. *Resolved*, That in the event of the removal, death or resignation or inability of the President of this Convention, then the same authority vested in him, by the foregoing resolution, be, and the same is hereby, vested in the Governor or officer acting as Governor of the State.

Mr. Hill, of Morgan, moved the following amendment to the substitute: *Provided further*, That in the event of the death, resignation or other disability of any mem-

ber of this Convention, the vacancy shall be filled by election under proclamation of the Governor. Agreed to.

Mr. Harris of Worth, moved to amend further, the second section of the substitute by striking out all after the word "Governor" and inserting in lieu thereof the words "Vice-President of this Convention," whom he moved should now be chosen by acclamation. Lost.

The substitute as amended was adopted.

Mr. Kenan introduced the following resolution:

*Resolved*, That His Excellency, the Provisional Governor, be authorized and requested to draw his warrant upon any funds in the Treasury, or which may come into the Treasury, for the payment of Mr. Orme and Son, for the printing of this Convention. Agreed to.

Mr. Holt of Bibb, chairman of committee of five, made the following report:

The committee of five who were appointed to memorialize the President of the United States in behalf of citizens not yet pardoned, make the following

#### REPORT:

*His Excellency*, ANDREW JOHNSON,

*President of the United States:*

The people of Georgia, through her delegates in Convention assembled, respectfully and earnestly invoke the exercise of the executive clemency in behalf of those of

our fellow-citizens embraced within the exceptions of the late amnesty proclamation who may be as yet unpardoned.

Including as the vast roll of her disfranchised citizens does, many of her finest intellects and purest patriots, and involving much of her available wealth, the Convention of our State respectfully recommend those men to your magnanimous clemency as our needed coadjutors in the mighty task of reorganization, and as worthy subjects of your most generous kindness.

The Convention pledges their future fidelity to the Government of the United States. The very tenacity of their devotion to the South in the late struggle, the very heroism and magnitude of their efforts in an unsuccessful cause, and the very chivalry of their characters as evinced in the trying vicissitudes of a gigantic war, will be your last guarantee of the virtue of their resignation to the result, and of the security of their allegiance to a Government which disarms them by its magnanimity, enchains their gratitude by its kindness, and punishes them only with its clement pardon.

Believe us, Sir, there is no looking back, the State of Georgia is prepared to do her whole duty in and to the Government, and she now asks for the restitution to her control, and use of her entire citizens, for whose integrity and loyalty she gives you her most solemn pledge, in order that they may assist her to work out from her travail and desolation the high destiny she still trusts is in store for her and them, under a Government that has just emerged unharmed from the most desperate convulsion of the world's history, and whose tremendous



power will be infinitely strengthened by its immeasurable benignity.

T. G. HOLT, JR.  
MILTON A. CANDLER,  
C. T. GOODE,  
J. J. WHITAKER,  
G. R. BLACK,  
Committee.

Which report was read and adopted.

Mr. Goode of Houston, moved that the President of the convention forward the memorial to the President of the United States by mail. Agreed to.

Mr. Whitaker of Fulton, introduced the following resolution:

*Resolved*, That a Committee of three be appointed to notify His Excellency, the Governor, that this convention has agreed to adjourn this day at 12 o'clock, meridian, and to enquire if in the meantime he has any further communication to make. Agreed to.

The President appointed as that committee:

Messrs. Whitaker of Fulton,  
Hill of Morgan and  
Chappell of Muscogee.

The following committee was announced under the resolution of Mr. Jenkins, to memorialize the Treasurer of the United States:

Mr. President,  
Mr. Jenkins of Richmond,  
Mr. Floyd of Newton,  
Mr. Warner of Meriwether,  
Mr. Warren of Houston.

Mr. Hansell introduced the following resolution:

*Resolved*, That the thanks of this convention are due and are hereby tendered to the President of this convention, the Honorable H. V. Johnson, for the ability, impartiality and courtesy that have characterized his administration as our presiding officer. Adopted.

Mr. Hansell introduced the following resolution:

*Resolved*, That the thanks of this convention are tendered to the Secretary and his assistants for the faithful discharge of their duties and their polite and gentlemanly bearing in their intercourse with this body. Adopted.

Mr. Harris of Clark, introduced the following resolution:

*Resolved*, That the thanks of this convention be and they are hereby tendered to the Committee of Sixteen appointed to prepare and report business for this convention for the diligence, ability and untiring zeal displayed in the very laborious and satisfactory discharge of the duties devolved upon them. Adopted.

The next business in order was the resolution of Mr. Boyd, requesting our Representatives and Senators in Congress to urge upon the Federal authorities the importance of early resuming the coining of gold at the mint at Dahlonega.

It was read and adopted.

Mr. Mallard's resolution respecting economy in the administration of public affairs, and recommending the same to the consideration of the General Assembly, was read and adopted.

The resolution introduced by Mr. Rawls, for the "relief of taxpayers of the State of Georgia," was read and adopted.

The resolution of Mr. Mallard, respecting the *per diem* compensation of members absent from the convention for reasons other than personal sickness or sickness in the family, was indefinitely postponed.

The resolution of Mr. Wright of Coweta, to "appoint a committee to ascertain what part of the State debt was contracted to carry on the war, and to report to the next session of the Legislature, etc., was indefinitely postponed.

The resolution of Mr. Cook approving of the course of Ex-Governor, Joseph E. Brown, and Provisional Governor, Jas. Johnson, respecting the sale of cotton, etc., was indefinitely postponed.

The resolution of Mr. Matthews of Oglethorpe, respecting the sale of the Western and Atlantic Railroad, was indefinitely postponed.

The resolution of Mr. Ridley of Troup, respecting the appointment of three commissioners to examine into the finances, etc., was indefinitely postponed.

Mr. Barnes' preamble and resolutions requesting the President to proclaim a general amnesty, etc., were indefinitely postponed.

The ordinance of Mr. Martin of Habersham, to legalize and make valid the civil and criminal laws in the code of Georgia, was indefinitely postponed.

The ordinance of Mr. Cohen, providing for the sale

of the Western and Atlantic Railroad, was indefinitely postponed.

Mr. Hansell introduced the following resolution:

*Whereas*, there is now standing to the credit of John Jones, State Treasurer, in the Central Railroad and Banking Company of Georgia, an amount of funds used as currency in 1864,

*And whereas*, The agent of the State did in the month of November, 1864, borrow from the said Central Railroad and Banking Company, the sum of one hundred and seventy-thousand dollars to pay for cotton purchased in middle Georgia, and for which drafts were drawn by the agent of the State road upon the agent of the State; therefore be it

*Resolved*, That the Treasurer be authorized to transfer the account in the Central Railroad Bank so as to settle the two amounts amounting to one hundred and seventy thousand dollars.

Mr. Kenan moved to refer to committee recommended to be appointed in the report of the committee whereof Mr. Wikle is chairman. Lost.

The resolution was disagreed to.

Mr. Whitaker, chairman of the committee of three appointed to wait upon the Provisional Governor, reported the following communication from His Excellency.

*Gentlemen of the Committee*: I have the pleasure to inform you that I have nothing further to communicate to the convention.

Permit me, gentlemen through you, to return my thanks to the convention for their kindness to me, and

for the manner in which they have discharged their duties to the country.

My earnest desire is, that peace and good will may extend throughout our borders.

J. JOHNSON,

Governor.

Mr. Barnes, chairman of Committee on Enrollment, made the following report:

*Mr. President:* The following ordinances and resolutions are duly enrolled and ready for the signature of the President and attestation of the Secretary:

A resolution to provide for the payment of ordinaries and clerks of the courts of this State for certain services rendered by said officers.

An ordinance extending the time of election of members of the General Assembly, until the 25th instant, in certain counties.

An ordinance to provide for the payment of the officers and members of the convention.

Also the several resolutions reported by the Committee of Sixteen.

Also, resolution asking the executive clemency in behalf of citizens not yet pardoned.

Also, resolution to raise a commission of five consisting of Messrs. Starnes, Stephens and others to provide a code.

Also, a memorial to the Secretary of the Treasury, as to assessment of taxes, etc.

Also, an ordinance to make valid private contracts entered into and not executed during the war, against the United States and to authorize the courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

Also, resolution authorizing the Governor to appoint three commissioners for the State to enquire into the finances of the State, etc.

Also, resolution to pay Rev. W. Flinn, fifty dollars for his services as chaplain of this convention.

Also, an ordinance to authorize the Provisional Governor or his successor to borrow a sum of money for the pressing necessities of the Western and Atlantic Railroad.

Also, resolution to allow the Secretary of this convention the sum of two hundred dollars for certain labor therein specified.

Also, resolution of thanks to the Governor, and authorizing him to pay for printing, etc.

Also, an address to the President of the United States.

Also, an ordinance to render null and void all debts of this State created for the purpose of carrying on the late war against the United States.

Also, resolution to authorize the Provisional Governor to draw his warrant for the payment of Mr. Orme and Son, for the printing of this convention.

Mr. Barnes, chairman of Committee on Enrollment, made the following report:

*Mr. President:* I have the honor to report the following resolutions enrolled and ready for the signature of the President and attestation of the Secretary:

Resolution of thanks to the President of this convention, the Hon. H. V. Johnson.

Also, resolution of thanks to the Secretary and his assistants.

Also, an address to the President of the United States, by the Committee of Five, appointed in pursuance of a resolution to memorialize His Excellency, Andrew Johnson, President of the United States.

Also, resolution of thanks to the Committee of Sixteen.

Also, resolution respecting economy and condemning the multiplication of unnecessary officers.

Also, resolution to notify His Excellency, the Governor, that this convention have agreed to adjourn at 12 o'clock meridian this day, and if he have any further communication to make.

Also, resolution for the relief of the tax payers of the State of Georgia.

Also, resolution authorizing the President of this convention to convene the same under certain contingencies, etc.

The hour of adjournment having almost arrived and there being no further business before the convention, the President arose and delivered the following masterly address:

*Gentlemen of the convention:* "The hour designated in the resolution which you have adopted, for the ad-

jourment of this body, has now arrived. The labors which we have been convened to perform have been completed, and we are now about to separate and return to our respective homes.

You have, in the kindness of your hearts, tendered to me your unanimous thanks for the manner in which I have discharged the duties devolved upon me as your presiding officer. It is grateful to my feelings, gentlemen, to have received this evidence of your approbation.

When I assumed the duties assigned me, I promised you that I would do the very best I could. I have redeemed that pledge with fidelity. My shortcomings are before you, and for these I ask indulgence. If I have erred, it has been unintentional, and I know I have erred, and for these errors I ask your pardon. If, in the discharge of my duties, I have been so unfortunate as to appear unjust or harsh, or have inflicted the slightest wound upon the feelings of a single member of this body, now, in this parting hour and in this presence, I humbly make the *amende honorable*.

We have had confided to us grave and responsible trusts. We have been acting not for ourselves, but for those who are to come after us. Many of us will scarcely live to see the fruits of our labors. Some here are in the prime and vigor of life—they will live to know whether we have acted wisely or unwisely. Others of us are already upon the verge of that other land whither all are tending, and in which all will render an account for the manner in which they have performed their duties, but our children will live to know whether their fathers have been wise in caring for their interests, and in plac-



ing our civil and political institutions upon such a basis as to render them permanent and benign.

We have performed the labors assigned us under very unusual circumstances, and in the midst of an extraordinary and perilous crisis. We have passed through a bloody struggle with those with whom we have been previously associated as fellow-citizens, as members of the same great republic, as descendants of the same glorious ancestry, speaking the same language, worshipping the same God, and believing in the same revelation. How sad the event, that a bloody strife should have existed among a people so situated, and looking back to the same scenes of pride and glory which illuminate our past history! How sadder still, to think, that at the end of such a contest, our country—I mean that portion of it which we call the South—is prostrated, all its enterprises crippled, its pursuits disorganized, its labor destroyed, its agriculture rendered inefficient and unproductive, all our permanent investments in the way of stocks and bonds rendered valueless—in a word, coming out of such a struggle with the conviction which we must realize, in reference to ourselves, that we are indeed a poor people, thrown at a single leap from the highest pinnacle of prosperity down to the most abject humiliating circumstances of poverty and political impotency.

These are circumstances, gentlemen, under which we have been discharging the duties assigned to us by our constituents. I refer to them, not for the purpose of reviving in the breast of any one bitter remembrances of the past, nor yet, for the purpose of producing in your hearts, or in the minds of my countrymen anywhere, an unmanly whining and whimpering over our situation. I feel it was the necessary result of superiority of num-

bers and resources. But, thank God! our manhood remains. (Applause.)

I submit those facts for another purpose. It is to remind ourselves that, whilst we have thus been crippled in our resources, paralyzed in our energies, and shrouded in mourning and sorrow, it is the duty of each of us, with courageous manhood, to look the future in the face, and to hope on and hope ever. Something is left. A kind Providence has cast our lot in the midst of a land unparalleled in the richness of its soil and resources, and unsurpassed in the material elements necessary for a great, prosperous, powerful and happy State.

So far as the development of resources is concerned, Georgia is yet in her infancy. Inexhaustible mineral wealth sleeps in the bosom of her gigantic mountains; and with the application of enterprise, these rich materials will be exhumed, and under the skill of science and of art, united with industry and energy they will be compelled to contribute to the elevation of our people, to their enhancement in prosperity, and to their growth in power.

It is true our labor system has been entirely deranged, disorganized, almost destroyed; and we are now to enter upon the experiment, whether or not the means of labor which are left to us, the class of people to which we are to look in the future as our laboring class, can be organized into efficient and trustworthy laborers. That may be done, or I hope it may be done if left to ourselves. If I could have the ear of the entire people of the United States, and if I might be permitted, humble though I be, to utter an admonition, not by way of threat,

but for the purpose of animating them to the pursuit of a policy which would be wise, and salutary, and fraternal, and best for the country, I would implore them that, so far as providing for this branch of our population is concerned, and their organization into a class of efficient and trustworthy laborers, the Federal government should just simply let us alone. We understand the character of that class of people, their capacities, their instincts, and the motives which control their conduct. If we can not succeed in making them trustworthy and efficient as laborers, I think it is not saying too much, when we affirm that the Federal government need not attempt it. I trust they will not, and that we will have the poor privilege of being let alone, in the future, in reference to this class of our people.

So far as we are concerned, and so far as the relationship we sustain to them are concerned, we have duties to perform. I am a Georgian, and speak to Georgians, an honorable, conscientious, high-minded people, who are prepared to discharge their duties, and ready to learn their duty from surrounding circumstances. I beg to suggest, and I would that I could be heard by every citizen of my beloved State, that of all things it is most unwise and unjust for the former owners of slaves to cultivate towards them a feeling of dislike or unkindness. Their emancipation has not been brought about by their act; and in reference to the scenes through which we have been passing, it is one of the most remarkable events in all history, that such a people, with such a temptation to insubordination and insurrection as was constantly presented to them during all the period of the revolution, and most especially during the latter portion of it, should have been so quiet, so circumspect, so well

behaved, so subordinate. All over our State, women and children have been left alone in their houses of abode without one single solitary male protector: the husbands, the sons and the brothers far away upon the tented field—and yet our women and children, thus unprotected, have been unmolested by the colored population, and permitted to enjoy safety and security, and as much of the comforts of home as was compatible with the condition of the country.

I say, therefore, that the emancipation of the negroes amongst us is not the work of their own doing. They behaved themselves well during the war, and the shackles of slavery being knocked off, it is not strange that we should see listlessness, idleness, thriftlessness exhibited by them, and in some cases even insubordination and a spirit of mutiny—not more, however, than under the circumstances, reasonable men might have expected.

I speak this for a two-fold purpose; first, to pay a just tribute to that unfortunate class of our people, and second, to remind ourselves of the spirit which ought to animate us in our conduct towards them, and in maintaining the relationship which must necessarily exist between us in the future. Our conduct should be kind, magnanimous, just. The result of this will be the production of a feeling of mutual confidence between the two races.

The black race must feel that the white man is not his enemy—that he is just and magnanimous, and that, on the other hand will beget conduct on the part of the African race, so far as they are now capable of being operated upon by such influences, a feeling of trust, confidence and kindness, and a willingness to respond to the duties obligatory upon them, and thus enable both to

move along harmoniously in the prosecution of enterprises, and perhaps successfully, in the promotion of mutual interests.

Now, if we cultivate this feeling, (and any other feeling will not comport with our duties towards them,) and this feeling shall be embodied in a wise and well adjusted code of laws for their government; a code of laws that will give embodiment to these feelings of justice, kindness and humanity, which I think it is our duty to cultivate towards them, we may indulge a hope that we may organize them into a class of trustworthy laborers. We can not succeed in doing this unless our course with reference to that class of people shall be regulated by these high considerations. We may succeed if we are so animated. If we do not, the experiment will only prove to be a failure; and I fear it will be a failure. But let us make the experiment in good faith, and in proportion as we succeed we shall be remunerated for the effort, and in proportion as we shall fail, let us inaugurate such a policy as will bring into our midst a sturdy, energetic class of laborers from other nations, so that our country shall not be a howling and desolate waste, so that our farms may be repaired, our fences rebuilt, and our homesteads made comfortable, and all over our State we may again witness evidences of prosperity and thrift.

Gentlemen, these remarks have been suggested by the occasion, without any intention of making a set speech, but simply as the utterance of my mind, prompted by the circumstances of the moment.

I will not detain you longer. The resolution which provides for the adjournment of this convention, this day, reserves the duty upon your presiding officer, with-

in six months hereafter, if it should become necessary, to call you together again. That resolution also contains a provision, that if from resignation, disability, or death, your presiding officer should not be able to perform this duty, it will devolve upon the chief executive of the State. If not removed by death! I confess to you, gentlemen, when that clause was read in the resolution, a thrill went through my frame. Is it possible that in the opinion of three hundred intelligent men of Georgia, there is such a conviction of the probabilities of the death of a healthy man within six months, that it should be provided for, by a solemn act of the conviction? So it is, gentlemen. It was well put in. Two of our body have passed away. We shall never all meet again. Whether I shall be called hence or you, it is not at all probable that we shall meet again. Gentlemen, in view of this, and in view of our surroundings, in view of the chastising scenes through which we have passed, in view of the sorrows which hang around the hearthstones of almost every family within the borders of our beloved State, in view of the hallowed memories of those that sleep unknown upon the battlefield, let us go home and cultivate among our fellow-citizens feelings of kindness, eschewing everything like discord, heart burnings and bitter strife.

We have been divided in other times upon party issues. Great principles have divided us, and in the conduct of our political contests we have been intolerant, vituperative, unforgiving, uncharitable. That we may avoid such feelings hereafter, let us return home, as if from attending the funeral of our mother. Our old mother, thank God! is not dead but she has been reduced to extremity. We have been called together to

nurse around her bedside, and to endeavor, if possible, to reanimate and reinvigorate her wasted body and now almost paralyzed limbs, and to drive back into her heart the vital blood, and bid it throb until the vital current shall stream through every vein and artery, and she shall bloom again in the beauty and vigor of health. (Sensation and applause.)

We have met here as friends; the experience of the past bids us continue to be friends. When we return home let us disseminate the sentiment, among all classes of our neighbors, of charity and love. Let us admonish them to love their country, and to obey the Constitution and laws of the land.

In view of that certain, sad event, which must sooner or later come to us all, gentlemen, be circumspect, and let us walk thoughtfully upon the shore of that vast ocean which we must sail so soon.

God bless you, gentlemen! God bless our beloved State; and may prosperity and happiness be the boon which a kind Providence shall confer upon our country throughout all her borders.

You are now adjourned *sine die*, unless it shall become necessary to call you together again. (Immense applause.)

Which on motion of Mr. Thomas of Coweta, was ordered to be spread upon the journal.

Whereupon the convention was declared adjourned conformably with the resolution this day adopted.

## APPENDIX.

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### PREAMBLE TO THE CONSTITUTION.

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We, the people of the State of Georgia, in order to form a permanent government, establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and our posterity—acknowledging and invoking the guidance of Almighty God, the author of all good government, do ordain and establish this Constitution for the State of Georgia.

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### THE CONSTITUTION OF THE STATE OF GEORGIA.

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#### ARTICLE I.

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#### DECLARATION OF RIGHTS.

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1. Protection to person and property is the duty of government.
2. No person shall be deprived of life, liberty or property, except by due process of law.



3. The writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion, the public safety may require it.

4. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

5. Perfect freedom of religious sentiment, be and the same is hereby secured, and no inhabitant of this State, shall ever be molested in person or property, nor prohibited from holding any public office or trust on account of his religious opinion.

6. Freedom of speech, and freedom of the press, are inherent elements of political liberty. But while every citizen may freely speak or write, or print on any subject, he shall be responsible for the abuse of the liberty.

7. The right of the people to appeal to the courts, to petition government on all matters of legitimate cognizance and peaceably to assemble for the consideration of any matter of public concern shall never be impaired.

8. Every person charged with an offence against the laws of the State, shall have the privilege and benefit of counsel, shall be furnished on demand with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the attendance of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury, as heretofore practiced in Georgia.

9. No person shall be put in jeopardy of life or liberty, more than once for the same offence, save on his or

her own motion for a new trial after conviction, or in case of mistrial.

10. No conviction shall work corruption of blood or general forfeiture of estate.

11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

12. The powers of the courts to punish for contempt shall be limited by legislative acts.

13. Legislative acts in violation of the Constitution are void, and the judiciary shall so declare them.

14. *Ex post facto* laws—laws impairing the obligation of contracts and retroactive laws injuriously affecting any right of the citizen, are prohibited.

15. Laws should have a general operation, and no general law affecting private rights shall be varied in any particular case by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person being under a legal disability to contract, is capable of such free consent.

16. The power of taxation over the whole State shall be exercised by the General Assembly only to raise revenue for the support of government, to pay the public debt, to provide for the common defence, and for such other purposes as the General Assembly may be specially required or empowered to accomplish by this Constitution. But the General Assembly may, by statute, grant the power of taxation for designated purposes, with such limitations as they may deem expedient, to county authorities and municipal corporations, to be exercised within their several territorial limits.

17. In cases of necessity, private ways may be granted upon just compensation being first paid; and with this exception private property shall not be taken, save for public use, and then only on just compensation to be first provided and paid, unless there be a pressing, unforeseen necessity, in which event the General Assembly shall make early provision for such compensation.

18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place or places to be searched, and the persons and things to be seized.

19. The person of a debtor shall not be detained in prison, after delivery, for the benefit of his creditors of all his estate, not expressly exempted by law from levy and sale.

20. The government of the United States having, as a war measure, proclaimed all slaves held or owned in this State, emancipated from slavery, and having carried that proclamation into full practical effect, there shall henceforth be within the State of Georgia, neither slavery nor involuntary servitude, save as a punishment for crime, after legal conviction thereof; *provided*, This acquiescence in the action of the government of the United States, is not intended to operate as a relinquishment, waiver, or estoppel of such claim for compensation of loss sustained by reason of the emancipation of his slaves as any citizen of Georgia may hereafter make upon the justice and magnanimity of that government.

21. The enumeration of rights herein contained is a part of this Constitution, but shall not be construed to deny to the people any inherent rights which they have hitherto enjoyed.

## ARTICLE II.

### SECTION 1.

1. The Legislative, Executive and Judicial Departments shall be distinct; and each department shall be confided to a separate body of magistracy. No person, or collection of persons, being of one department, shall exercise any power properly attached to either of the others, except in cases herein expressly provided.

2. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, the members whereof shall be elected and returns of the elections made in the manner now prescribed by law, (until changed by the General Assembly) on the 15th day of November, in the present year, and biennially thereafter, on the first Wednesday of October, to serve until their successors shall be elected; but the General Assembly may, by law, change the day of election.

3. The first meeting of the General Assembly, under this Constitution, shall be on the first Monday in December next, after which, it shall meet annually on the first Thursday in November, or on such other day as the General Assembly may prescribe. A majority of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of its absent members, as each

House may provide. No session of the General Assembly, after the first above mentioned, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

4. No person holding any military commission, or other appointment, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, (except justices of the inferior court, justices of the peace, and officers of the militia) nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either branch of the General Assembly; nor shall any Senator or Representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor with the advice and consent of two-thirds of the Senate, to any office or appointment having any emolument or compensation annexed thereto, during the time for which he shall have been elected.

5. No person convicted of any felony before any court of this State, or of the United States, shall be eligible to any office, or appointment of honor, profit or trust, within this State, until he shall have been pardoned.

6. No person who is a collector or holder of public money, shall be eligible to any office in this State, until the same is accounted for and paid into the treasury.

## SECTION 2.

There shall be forty-four Senatorial Districts in the State of Georgia, each composed of three contiguous counties, from each of which districts one Senator shall be chosen, until otherwise arranged, as hereinafter provided.

The said districts shall be constituted of counties as follows:

The First District of Chatham, Bryan and Effingham.

The Second, of Liberty, Tattnall and McIntosh.

The Third, of Wayne, Pierce and Appling.

The Fourth, of Glynn, Camden and Charlton.

The Fifth, of Coffee, Ware and Clinch.

The Sixth, of Echols, Lowndes and Berrien.

The Seventh, of Brooks, Thomas and Colquitt.

The Eighth, of Decatur, Mitchell and Miller.

The Ninth, of Early, Calhoun and Baker.

The Tenth, of Dougherty, Lee and Worth.

The Eleventh, of Clay, Randolph and Terrell.

The Twelfth, of Stewart, Webster and Quitman.

The Thirteenth, of Sumter, Schley and Macon.

The Fourteenth, of Dooly, Wilcox and Pulaski.

The Fifteenth, of Montgomery, Telfair and Irwin.

The Sixteenth, of Laurens, Johnson and Emanuel.

The Seventeenth, of Bulloch, Screven and Burke.

The Eighteenth, of Richmond, Glascock and Jefferson.

The Nineteenth, of Taliaferro, Warren and Greene.

The Twentieth, of Baldwin, Hancock and Washington.

The Twenty-First, of Twiggs, Wilkinson and Jones.

The Twenty-Second, of Bibb, Monroe and Pike.

The Twenty-Third, of Houston, Crawford and Taylor.

The Twenty-Fourth, of Marion, Chattahoochee and Muscogee.

The Twenty-Fifth, of Harris, Upson and Talbot.

The Twenty-Sixth, of Spalding, Butts and Fayette.

The Twenty-Seventh, of Newton, Walton and Clark.

The Twenty-Eighth, of Jasper, Putnam and Morgan.  
The Twenty-Ninth, of Wilkes, Lincoln and Columbia.  
The Thirtieth, of Oglethorpe, Madison and Elbert.  
The Thirty-First, of Hart, Franklin and Habersham.  
The Thirty-Second, of White, Lumpkin and Dawson.  
The Thirty-Third, of Hall, Banks and Jackson.  
The Thirty-Fourth, of Gwinnett, DeKalb and Henry.  
The Thirty-Fifth, of Clayton, Fulton and Cobb.  
The Thirty-Sixth, of Meriwether, Coweta and Campbell.

The Thirty-Seventh, of Troup, Heard and Carroll.  
The Thirty-Eighth, of Haralson, Polk and Paulding.  
The Thirty-Ninth, of Cherokee, Milton and Forsyth.  
The Fortieth, of Union, Towns and Rabun.  
The Forty-First, of Fannin, Gilmer and Pickens.  
The Forty-Second, of Bartow, Floyd and Chattooga.  
The Forty-Third, of Murray, Whitfield and Gordon.  
The Forty-Fourth, of Walker, Dade and Catoosa.

If a new county be established, it shall be added to a district which it adjoins. The Senatorial districts may be changed by the General Assembly, but only at the first session after the taking of each census by the United States Government, and their number shall never be increased.

2. No person shall be a Senator who shall not have attained to the age of twenty-five years and be a citizen of the United States, and have been for three years an inhabitant of this State, and for one year a resident of the district from which he is chosen.

3. The presiding officer shall be styled the President of the Senate, and shall be elected *viva voce* from their own body.

4. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, profit, or trust, within this State: but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

### SECTION 3.

1. The House of Representatives shall be composed as follows: The thirty-seven counties having the largest representative population, shall have two Representatives each. Every other county shall have one Representative. The designation of the counties having two Representatives shall be made by the General Assembly immediately after the taking of each census.

2. No person shall be a Representative who shall not have attained the age of twenty-one years, and be a citizen of the United States, and have been for three years an inhabitant of the State, and for one year a resident of the county which he represents.

3. The presiding officer of the House of Representatives shall be styled the Speaker, and shall be elected *viva voce* from their own body.

4. They shall have the sole power to impeach all persons who have been or may be in office.

5. All bills for raising revenue or appropriating



money shall originate in the House of Representatives; but the Senate may propose or concur in amendments, as in other bills.

#### SECTION 4.

1. Each House shall be the judge of the election returns and qualifications of its own members; and shall have power to punish them for disorderly behavior or misconduct, by censure, fine imprisonment or expulsion; but no member shall be expelled except by a vote of two-thirds of the House from which he is expelled.

2. Each House may punish, by imprisonment not extending beyond the session, any person not a member, who shall be guilty of a contempt by any disorderly behavior in its presence; or who, during the session, shall threaten injury to the person or estate of any member, for anything said or done in either House; or who shall assault or arrest any witness going to or returning from or who shall rescue or attempt to rescue any person arrested by either House.

3. The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going to and returning therefrom; except for treason, felony, or breach of the peace. And no member shall be liable to answer in any other place, for anything spoken in debate in either House.

4. Each House shall keep a journal of its proceedings, and publish them immediately after its adjournment. The yeas and nays of the members on any question, shall, at the desire of one-fifth of the members present, be entered on the journals. The original journals

shall be preserved (after publication,) in the office of the Secretary of State; but there shall be no other record thereof.

5. Every bill, before it shall pass, shall be read three times, and on three separate and distinct days in each House, unless in cases of actual invasion or insurrection. Nor shall any law or ordinance pass, which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

6. All acts shall be signed by the President of the Senate and Speaker of the House of Representatives; and no bill, ordinance, or resolution, intended to have the effect of law, which shall have been rejected by either House, shall be again proposed under the same or any other title, without the consent of two-thirds of the House, by which the same was rejected.

7. Neither House shall adjourn for more than three days, nor to any other place, without the consent of the other; and in case of disagreement between the two houses, on a question of adjournment, the Governor may adjourn them.

8. Every Senator and Representative, before taking his seat, shall take an oath or affirmation to support the Constitution of the United States and of this State; and also, that he hath not practiced any unlawful means, either directly or indirectly, to procure his election. And every person convicted of having given or offered a bribe, shall be disqualified from serving as a member of either House for the term for which he was elected.

9. Whenever this Constitution requires an Act to be passed by two-thirds of both Houses, the yeas and nays

on the passage thereof, shall be entered on the journals of each.

#### SECTION 5.

1. The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

2. They may alter the boundaries of counties, and establish new counties; but every bill to establish a new county shall be passed by at least two-thirds of the members present, in each branch of the General Assembly.

3. The General Assembly shall have power to appropriate money for the promotion of learning and science, and to provide for the education of the people; and shall provide for the early resumption of the regular exercises of the University of Georgia, by the adequate endowment of the same.

4. The General Assembly shall have power, by a vote of two-thirds of each branch, to grant pardons in cases of final conviction for treason, and to pardon or commute after final conviction in capital cases.

5. It shall be the duty of the General Assembly, at its next session, and thereafter as the public welfare may require, to provide by law for the government of free persons of color; for the protection and security of their persons and property, guarding them and the State against any evil that may arise from their sudden emancipation, and prescribing in what cases their testimony shall be admitted in the courts; for the regulation of

their transactions with citizens; for the legalizing of their existing, and the contracting and solemnization of their future marital relations, and connected therewith their rights of inheritance and testamentary capacity; and for the regulation or prohibition of their immigration into this State from other States of the Union or elsewhere. And further, it shall be the duty of the General Assembly to confer jurisdiction upon courts now existing, or to create county courts with jurisdiction in criminal cases excepted from the exclusive jurisdiction of the Superior Court, and in civil cases whereto free persons of color may be parties.

#### SECTION 6.

1. The General Assembly shall have no power to grant corporate powers and privileges to private companies, except to banking, insurance, railroad, canal, plank road, navigation, mining, express, lumber, manufacturing, and telegraph companies, nor to make or change election precincts; nor to establish bridges and ferries; nor to change names, or legitimate children; but shall by law prescribe the manner in which such power shall be exercised by the courts. But no bank charter shall be granted or extended, and no act passed, authorizing the suspension of specie payment by any chartered bank, except by a vote of two-thirds of each branch of the General Assembly.

2. No money shall be drawn from the treasury of this State, except by appropriation made by law; and a regular statement and account of the receipt and expenditure of all public money shall be published from time to time.

3. No vote, resolution, law, or order shall pass, granting a donation or gratuity in favor of any person, except by the concurrence of two-thirds of the General Assembly.

4. No law shall be passed by which a citizen shall be compelled directly or indirectly, to become a stockholder in, or contribute to a railroad, or other work of internal improvement, without his consent, except the inhabitants of a corporate town or city. This provision shall not be construed to deny the power of taxation for the purpose of making levees or dams to prevent the overflow of rivers.

### ARTICLE III.

#### SECTION 1.

1. The executive power shall be vested in a Governor, the first of whom under this Constitution, shall hold the office from the time of his inauguration as by law provided, until the election and qualification of his successor. Each Governor subsequently elected shall hold the office for two years and until his successor shall be elected and qualified, and shall not be eligible to election after the expiration of a second term for the period of four years. He shall have a competent salary, which shall not be increased nor diminished during the time for which he shall have been elected; neither shall he receive within that time any other emolument from the United States, or either of them, nor from any foreign power.

2. The Governor shall be elected by the persons qualified to vote for members of the General Assembly, on the fifteenth day of November, in the year eighteen

hundred and sixty-five, and biennially thereafter, on the first Wednesday of October, until such time be altered by law, which election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly. The returns for every election of Governor shall be sealed up by the managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives; and transmitted to the Governor, or the person exercising the duties of the Governor for the time being; who shall, without opening the said returns, cause the same to be laid before the Senate, on the day after the two houses shall have been organized; and they shall be transmitted by the Senate to the House of Representatives. The members of each of the General Assembly shall convene in the Representative chamber, and the President of the Senate, and the Speaker of the House of Representatives, shall open and publish the returns in the presence of the General Assembly; and the person having the majority of the whole number of votes given in, shall be declared duly elected Governor of this State; but if no person have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the Legislature to elect, the General Assembly shall immediately elect a Governor *viva voce*; and in all cases of election of a Governor by the General Assembly, a majority of the votes of the members present shall be necessary for a choice. Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

3. No person shall be eligible to the office of Gov-

ernor who shall not have been a citizen of the United States twelve years, and an inhabitant of this State six years, and who hath not obtained the age of thirty years.

4. In case of the death, resignation, or disability of the Governor, the President of the Senate shall exercise the executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation, or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the executive powers of the government until the removal of the disability or the election and qualification of a Governor.

5. The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear or affirm (as the case may be) that I will faithfully execute the office of Governor of the State of Georgia; and will, to the best of my abilities, preserve, protect, and defend the Constitution thereof, and of the Constitution of the United States of America."

#### SECTION 2.

1. The Governor shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof.

2. He shall have power to grant reprieves for offences against the State, except in cases in impeachment, and to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for treason, murder, or other capital offences, in which cases he may respite the execution, and make report thereof to the next General Assembly.

3. He shall issue writs of election to fill vacancies

that happen in the Senate or House of Representatives, and shall have power to convene the General Assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

4. When any office shall become vacant by death, resignation, or otherwise, the Governor shall have power to fill such vacancy unless otherwise provided for by law; and persons so appointed shall continue in office until a successor is appointed agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

5. A person once rejected by the Senate shall not be re-appointed by the Governor to the same office during the same session or the recess thereafter.

6. The Governor shall have the revision of all bills passed by both Houses, before the same shall become laws, but two-thirds of each House may pass a law notwithstanding his dissent; and if any bill should not be returned by the Governor within five days (Sundays excepted) after it has been presented to him the same shall be law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation and disapprove any other appropriation in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

7. Every vote, resolution or order, to which the concurrence of both Houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor; and before it shall take effect, be approved by him, or being disapproved, shall be re-



passed by two-thirds of each House, according to the rules and limitations prescribed in case of a bill.

8. There shall be a Secretary of State, a Comptroller-General, a Treasurer, and Surveyor-General, elected by the General Assembly, and they shall hold their offices for the like period as the Governor, and shall have a competent salary, which shall not be increased or diminished during the period for which they shall have been elected. The General Assembly may at any time consolidate any two of these offices, and require all the duties to be discharged by one officer.

9. The great seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing, but by order of the Governor or General Assembly; and that used previously to the year 1861, shall be the great seal of the State.

## ARTICLE IV.

### SECTION I.

1. The judicial powers of this State shall be vested in a Supreme Court for the correction of errors, a Superior, Inferior, Ordinary and Justices Courts, and in such other Courts as have been, or may be, established by law.

2. The Supreme Court shall consist of three Judges, who shall be elected by the General Assembly, for such term of years—not less than six—as shall be prescribed by law, and shall continue in office until their successors shall be elected and qualified; removable by the Governor on the address of two-thirds of each branch of the

General Assembly, or by impeachment and conviction thereon.

3. The said Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors in law and equity from the Superior Courts of the several circuits, and from the City Courts of the cities of Savannah and Augusta, and such other like Courts as may be hereafter established in other cities; and shall sit "at the Seat of Government" at such time or times in each year, as the General Assembly shall prescribe, for the trial and determination of writs of error from said Courts.

4. The said Court shall dispose of and finally determine every case on the docket of such Court, at the first or second term after such writ of error brought; and in case the plaintiff in error shall not be prepared at the first term of such Court, after error brought, to prosecute the case, unless precluded by some providential cause from such prosecution, it shall be stricken from the docket and the judgment below affirmed. And in any case that may occur, the Court may, in its discretion, withhold its judgment until the term next after the argument thereon.

## SECTION 2.

1. The Judges of the Superior Courts shall be elected on the first Wednesday in January, until the Legislature shall otherwise direct, immediately before the expiration of the term for which they or either of them may have been appointed or elected, from the circuits in which they are to serve, by a majority vote of the people of the circuit qualified to vote for members

of the General Assembly, for the term of four years—vacancies to be filled as is provided by the laws of force prior to January 1st, 1861—and shall continue in office until their successors shall be elected and qualified; removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

2. The Superior Court shall have exclusive jurisdiction in all cases of divorce, both total and partial; but no total divorce shall be granted except on the concurrent verdicts of two special juries. In each divorce case, the Court shall regulate the rights and disabilities of the parties.

3. The Superior Court shall also have exclusive jurisdiction in all criminal cases, except as relates to fines for neglect of duty, contempts of Court, violation of road laws, obstruction of water courses, and in all other minor offences which do not subject the offender or offenders to loss of life, limb or member, or to confinement in the penitentiary; jurisdiction of all such cases shall be vested in such County or Corporation Courts, or such other Courts, judicatures, or tribunals as now exist, or may hereafter be constituted, under such rules and regulations as the Legislature may have directed or may hereafter by law direct.

4. All criminal cases shall be tried in the county where the crime was committed, except in cases where a jury cannot be obtained.

5. The Superior Court shall have exclusive jurisdiction in all cases respecting titles to land, which shall be tried in the county where the land lies; and also in all equity causes which shall be tried in the county where

one or more of the defendants reside against whom substantial relief is prayed.

6. It shall have appellate jurisdiction in all such cases as may be provided by law.

7. It shall have power to correct errors in inferior judicatories by writ of *certiorari*, and to grant new trials in the Superior Court on proper and legal grounds.

8. It shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying its powers fully into effect.

9. The Superior Court shall have jurisdiction in all other civil cases, and in them the General Assembly may give concurrent jurisdiction to the Inferior Court, or such other County Courts as they may hereafter create, which cases shall be tried in the county where the defendant resides.

10. In cases of joint obligors, or joint promissors or co-partners, or joint trespassers residing in the different counties the suit may be brought in either county.

11. In case of a maker and indorser, or indorsers of promissory notes residing in different counties in this State, the same may be sued in the county where the maker resides.

12. The Superior Court shall sit in each county not less than twice in every year, at such stated times as have been or may be appointed by the General Assembly, and the Inferior and County Court at such times as the General Assembly may direct.

## SECTION 3.

1. The judges shall have salaries adequate to their services fixed by law, which shall not be diminished nor increased during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

2. There shall be a State's Attorney and Solicitors elected in the same manner as the Judges of the Superior Court, and commissioned by the Governor, who shall hold their offices for the term of four years, or until their successors shall be appointed and qualified, unless removed by sentence on impeachment, or by the Governor, on the address of two-thirds of each branch of the General Assembly. They shall have salaries adequate to their services fixed by law, which shall not be increased or diminished during their continuance in office.

3. The Justice or Justices of the Inferior Court, and the Judge of such other County Court as may by law be created, shall be elected in each county by the persons entitled to vote for members of the General Assembly.

4. The Justices of the Peace shall be elected in each district by the persons entitled to vote for members of the General Assembly.

5. The powers of a Court of Ordinary and of Probate, shall be vested in an Ordinary for each county, from whose decisions there may be an appeal to the Superior Court, under regulations prescribed by law. The Ordinary shall be *ex-officio* clerk of said Court, and may appoint a deputy clerk. The Ordinary, as Clerk, or his deputy, may issue citations, and grant temporary

letters of administration, to hold until permanent letters are granted; and said Ordinary, as Clerk, or his deputy, may grant marriage licenses. The Ordinaries in and for the respective counties shall be elected, as other county officers are, on the first Wednesday in January, 1868, and every fourth year thereafter, and shall be commissioned by the Governor for the term of four years. In case of any vacancy of said office of Ordinary, from any cause, the same shall be filled by election, as is provided in relation to other county officers, and until the same is filled, the Clerk of the Superior Court for the time being, shall act as Clerk of said Court of Ordinary.

## ARTICLE V.

### SECTION 1.

1. The electors of members of the General Assembly shall be free white male citizens of this State, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying agreeable to law, for the year preceding the election, shall be citizens of the United States, and shall have resided six months either in the district or county and two years within this State, and no person who is not qualified to vote for members of the General Assembly, shall hold any office in this State.

2. All elections by the General Assembly shall be *viva voce* and the vote shall always appear on the Journal of the House of Representatives, and where the Senate and House of Representatives unite for the purpose of electing, they shall meet in the Representative

chamber, and the President of the Senate shall in such cases preside, and declare the person or persons elected.

3. In all elections by the people the electors shall vote by ballot until the General Assembly shall otherwise direct.

4. All civil officers heretofore commissioned by the Governor, or who have been duly appointed, or elected, since the first day of January last, but who have not received their commission and who have not resigned, nor been removed from office, and whose terms of office shall not have expired, shall continue in the exercise of the duties of their respective offices during the periods for which they were duly appointed or duly elected as aforesaid, and commissioned, and until their successors shall be appointed under the provisions of this Constitution; unless removed from office as herein provided.

5. Laws of general operation now of force, in this State, are, 1st, as the supreme law, the Constitution of the United States; the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States; 2nd, as next in authority thereto, this Constitution; 3rd, in subordination to the foregoing, all laws declared of force by an act of the General Assembly of this State, assented to December the 19th, A. D., 1860, entitled, "An Act to approve, adopt, and make of force, in the State of Georgia, a revised code of laws, prepared under the direction and by authority of the General Assembly thereof, and for other purposes therewith connected," an act of the General Assembly aforesaid, assented to December 16th, A. D., 1861, amendatory of the foregoing, and an act of the General Assembly aforesaid assented to December 13th, A. D., 1862, entitled "An Act to settle the conflicts between the code and

the Legislation of this General Assembly;" also all acts of the General Assembly aforesaid, passed since the date last written, altering, amending, repealing, or adding to any portion of law hereinbefore mentioned (the latter enactments having preference in case of conflict), and also so much of the common and statute law of England, and of the statute law of this State of force in Georgia, in the year eighteen hundred and sixty, as is not expressly superseded by, nor inconsistent with said Codes, though not embodied therein; except so much of the law aforesaid as may violate the supreme law, herein recognized, or may conflict with this Constitution, and except so much thereof as refers to persons held in slavery, which excepted laws shall henceforth be inoperative and void, and any future General Assembly of this State, shall be competent to alter, amend, or repeal any portion of the law declared to be of force in this third specification of the fifth clause of this fifth article. If in any statute law herein declared of force, the word "Confederate" occurs before the word States, such law is hereby amended by substituting the word "United" for the word "Confederate."

6. Local and private statutes heretofore passed intended for the benefit of counties, cities, towns, corporations, and private persons not inconsistent with the supreme law, nor with this Constitution, and which have neither expired by their own limitations nor been repealed, shall have the force of statute laws subject to judicial decision, as to their validity when enacted, and to any limitations imposed by their own terms.

7. All judgments, decrees, orders, and other proceedings of the several courts of this State heretofore made, within the limits of their several jurisdictions, are



hereby ratified and affirmed, subject only to past and future reversal, by motion for new trial, appeal, bill of review, or other proceedings, in conformity with the law of force when they were made.

8. All rights, privileges and immunities which may have vested in, or accrued to any person or persons, in his, her, or their own right, or any fiduciary capacity, under and in virtue of any act of the General Assembly, or of any judgment, decree, or order, or other proceeding of any court of competent jurisdiction in this State, since the first day of January, A. D., eighteen hundred and sixty-one, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

9. The marriage relation between white persons and persons of African descent is forever prohibited, and such marriage shall be null and void; and it shall be the duty of the General Assembly to enact laws for the punishment of any officer who shall knowingly issue a license for the celebration of such marriage, or any officer or minister of the Gospel who shall marry such persons together.

10. All militia and county officers shall be elected by the people, under such regulations as have been or may be prescribed by law.

11. This Constitution shall be altered or amended only by a convention of the people, called for that purpose by act of the General Assembly.

Signed November 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## ORDINANCES.

## AN ORDINANCE

To repeal certain ordinances and resolutions therein mentioned, heretofore passed by the people of the State of Georgia in Convention.

*We, the people of the State of Georgia in Convention, at our Seat of Government, do declare and ordain, That an ordinance adopted by the same people, in convention, on the nineteenth day of January, A. D., eighteen hundred and sixty-one, entitled "An ordinance to dissolve the Union between the State of Georgia and other States united with her under a compact of government entitled 'The Constitution of the United States of America;'" also, an ordinance, adopted by the same on the sixteenth day of March in the year last aforesaid, entitled "An ordinance to adopt and ratify the Constitution of the Confederate States of America;" and also all ordinances and resolutions of the same, adopted between the sixteenth day of January and the twenty-fourth day of March, in the year aforesaid, subversive of, or antagonistic to the civil and military authority of the government of the United States of America, under the Constitution thereof, be, and the same are, hereby repealed.*

Signed October 30th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## AN ORDINANCE

To establish Congressional Districts, and to provide for certain elections.

*The people of Georgia in Convention assembled, do ordain, That conforming to the last apportionment of members of the House of Representatives of the United States Congress, there shall be in the State of Georgia seven Congressional Districts, constituted as follows, until changed by act of the General Assembly, viz.:*

The first district shall include the counties of Chat-ham, Bryan, Liberty, McIntosh, Wayne, Glynn, Camden, Charlton, Ware, Pierce, Appling, Tatnall, Bulloch, Effingham, Screven, Emanuel, Montgomery, Telfair, Coffee, Clinch, Echols, Lowndes, Berrien, Irwin, Laurens, Johnson, Brooks, Colquitt and Thomas.

The second district shall include the counties of Decatur, Early, Miller, Baker, Mitchell, Worth, Dooly, Wilcox, Pulaski, Houston, Macon, Marion, Chattahoochee, Sumter, Webster, Stewart, Quitman, Clay, Calhoun, Randolph, Terrell, Lee and Dougherty.

The third district shall include the counties of Muscogee, Schley, Taylor, Talbot, Harris, Troup, Meriwether, Heard, Coweta, Fayette, Clayton, Carroll, Campbell, Haralson and Paulding.

The fourth district shall include the counties of Upson, Pike, Spalding, Henry, Newton, Butts, Monroe, Crawford, Bibb, Twiggs, Wilkinson, Baldwin, Jones, Jasper and Putnam.

The fifth district shall include the counties of Washington, Jefferson, Burke, Richmond, Glascock, Hancock,

Warren, Columbia, Lincoln, Wilkes, Taliaferro, Greene, Morgan, Oglethorpe and Elbert.

The sixth district shall include the counties of Milton, Gwinnett, Walton, Clarke, Jackson, Madison, Hart, Franklin, Banks, Hall, Forsyth, Pickens, Dawson, Lumpkin, White, Habersham, Rabun, Towns, Union, Fannin and Gilmer.

The seventh district shall include the counties of DeKalb, Fulton, Cobb, Polk, Floyd, Bartow, Cherokee, Gordon, Chattooga, Walker, Whitfield, Murray, Catoosa and Dade.

SEC. 2. There shall be held on the fifteenth day of November next, a general election in the several counties and election districts of this State for Governor, Senators (by Senatorial districts) and Representatives (by counties) to the General Assembly, in conformity to the Constitution, which this Convention may adopt, and of members of the House of Representatives of the United States Congress, by districts as herein before arranged, one member for each district.

SEC. 3. The election herein ordered shall be conducted and returns thereof made, as is now by the Code of Georgia provided.

SEC. 4. *And the Convention do further ordain*, That the election for Mayor and Aldermen of the City of Savannah, shall be held on the first Wednesday in December, in the present year, and that at such election all laws appertaining thereto shall be in force, except the law requiring the registry of voters.

	No. Counties.	Rep. Population.
First District -----	29	123,483
Second District -----	23	124,034
Third District -----	15	124,522
Fourth District -----	15	123,127
Fifth District -----	15	125,539
Sixth District -----	21	123,640
Seventh District -----	14	124,856
	<hr/>	<hr/>
	132	869,201

Signed October 30th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### AN ORDINANCE

To prevent the levy and sale of the property of debtors under execution, until the adjournment of the first session of the next Legislature, or until the Legislature shall otherwise direct, if before that time.

*Be it ordained by the people of Georgia, in Convention assembled,* That there shall be no levy or sale of property of defendants in this State under execution, founded on any judgment, order or decree, except executions for cost or rules against officers for money, and except in cases where defendants reside without the State

have absconded, are absconding, or are about to remove their property without the limits of any county in this State, until the adjournment of the first session of the next Legislature or until the Legislature shall otherwise direct, if before that time.

*Be it further ordained,* That any officer or other person violating this ordinance, shall be guilty of trespass and liable to be sued in any court of this State having proper jurisdiction; and the measure of damages shall be the injury resulting to the injured party by reason of said trespass.

*Be it further ordained,* That the statutes of limitation now of force in this State, be, and the same are hereby suspended in all cases affected by this ordinance until the adjournment of the first session of the next Legislature, or until the Legislature shall otherwise direct, if before that time.

*And be it further ordained,* That the statutes of limitations in all cases, civil and criminal, be, and the same are hereby, declared to be and to have been suspended from the 19th day of January, 1861, and shall so continue until civil government is fully restored, or until the Legislature shall otherwise direct.

Signed November 1st, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## AN ORDINANCE

To request and authorize the Provisional Governor of Georgia to borrow on the credit of the State a sufficient sum of money to pay what may be due on the civil list, and what may become due thereon, until by the collection of taxes the State may dispense with loans; and to extend the power to the Governor to be elected by the people in a certain contingency.

*The people of Georgia by their delegates in Convention assembled, do hereby declare and ordain, That the Provisional Governor of this State be, and he is hereby respectfully requested and authorized, upon the faith and credit of the State of Georgia, to negotiate a loan or loans of money, or United States currency, sufficient in amount to repay the temporary loans made by him as reported to the Convention, and to pay whatever is due on the civil list of the political year 1865, as also to pay whatever may become due on the civil list for the political year 1866, inclusive of appropriations for the support of the Lunatic Asylum and other government purposes, until the State of Georgia, by the collection of taxes to be imposed hereafter by the Legislature, and other resources of the State, shall be enabled, without embarrassment, to dispense with a resort to temporary loans—the money so borrowed to be deposited in the treasury, and to be paid out by executive warrant as is provided by existing laws.*

*And be it further ordained by the authority aforesaid, That should the Provisional Governor, from any cause, fail to make a sufficient loan or loans to effectuate the intention of this ordinance—that then the Governor to be elected by the people as his successor to all the ex-*

ecutive powers of the State Government, be, and he is hereby empowered to make from time to time, such loan or loans for the service of the State of Georgia as is herein contemplated, and that the bonds whereon such may be loaned shall be countersigned by the Governor.

*And be it further ordained*, That to facilitate the negotiation of such loan, in such sums and at such times as the wants of the State may require for the purposes aforesaid, the Governor is hereby authorized and required to sign and issue such drafts, notes or bonds, countersigned by the Treasurer and payable at such times and on such terms, and in such currency as may be deemed by him most conducive to the convenience and interest of the State. *Provided*, That no obligation shall be contracted by him for a less time to run than twelve months, or for a longer time than five years; and *provided, also*, that on short securities not longer than twelve months to run, not exceeding a rate of ten (10) per cent. per annum shall be allowed; and *provided further*, that if said loan, or any part of it, be raised on bonds of more than one year to run, said bonds shall bear interest at the rate of seven (7) per cent., payable half yearly, which shall not exceed in the whole the sum of \$500,000, and shall not be sold at a discount on the par value of more than ten per cent. And it is *further provided*, That this ordinance shall not be construed to restrict or control the Legislature in the exercise of a sound discretion in making any loan for the foregoing purposes, or any other want of the State.

Signed November 3rd, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.



## AN ORDINANCE

To legalize the contracts made by guardians, administrators, executors, and trustees, with the freedmen, for the benefit of their wards and estates, and to authorize said guardians, administrators, executors and trustees to make such contracts, until provided for by the Legislature.

*Be it ordained by the people of the State of Georgia, in Convention assembled, That all contracts made by guardians, administrators, executors and trustees, with the freedmen and freedwomen for the benefit of their wards, and estate be, and the same are hereby legalized; and that they be authorized to make such contracts until provided for by the Legislature.*

Signed November 6th, 1865.

HEESCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## AN ORDINANCE

Making it the duty of the General Assembly of the State of Georgia, to provide for the support of indigent widows and orphans of deceased soldiers of this State, and for other purposes therein named.

*Be it ordained by the people of the State of Georgia, in Convention assembled, That the General Assembly of this State is respectfully requested at its first session under this Constitution, and annually thereafter, to*

make such appropriations and provisions as may in their judgment be necessary for the support and maintenance of the indigent widows and orphans of deceased soldiers of this State.

*Be it further ordained*, That disabled soldiers who are without the means of support and whose disability is such as to render them incompetent or unable to earn a living by their own exertions, shall be entitled to the benefits of the provisions of the foregoing ordinance.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### AN ORDINANCE

To ratify certain acts, judgments, and other proceedings therein mentioned.

*Be it ordained by the people of Georgia, in Convention assembled*, That all the acts and sales of executors, administrators, trustees and guardians, and of judicial and ministerial officers, had, done and performed and made *bona fide*, and in pursuance of, and under color of law since the 19th day of January, 1861, which are not in conflict with the Constitution of the United States, and of the Constitution of this State, be, and the same are hereby ratified and confirmed, subject however, to the right of appeal and supersedures according to law; *provided*, that in cases in which judgment or decrees have been rendered in all courts of record in this State, since the 19th day of January, 1861, and prior to this

date, the party against whom such judgment has been rendered, shall be entitled to a new trial or appeal, on affidavit that he was unavoidably absent from the court at the time of the rendition of the judgment; *provided*, the court shall be satisfied from all the facts which may be submitted by affidavit by both parties that such good and meritorious defense exists, and that such application for a new trial or appeal shall be made within twelve months after the adoption of this ordinance.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### AN ORDINANCE

To make valid private contracts entered into and executed during the war against the United States, and to authorize the courts of this State to adjust the equities between parties to contracts made, but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

SECTION 1. *The people of Georgia, in Convention assembled, do ordain*, That all private contracts made and executed during the war against the United States, and not in violation of the Constitution and laws of this State, or of the United States, shall be as valid and binding as if made and executed before hostilities commenced.

SEC. 2. *And it is further ordained*, That all contracts made between the first of June, 1861, and the first of

June, 1865, whether expressed in writing or implied, or existing in parol and not yet executed, shall receive an equitable construction, and either party in any suit for the enforcement of any such contract, may upon the trial give in evidence the consideration and the value thereof at any time; and the intention of the parties as to the particular currency in which payment was to be made, and the value of such currency at any time, and the verdict and judgment rendered shall be on principles of equity; *provided*, that contracts executed within the time specified, and which were simply in renewal of original contracts made before the said first day of June, shall stand upon the footing of contracts executed before hostilities commenced.

SEC. 3. *And it is further ordained*, That executors, administrators, guardians and trustees, shall have power to settle or compromise all claims or evidences of debt, in their possession created between the first of June, 1861, and the first of June, 1865, contracted with reference to payment in Confederate States of America treasury notes or other currency of a depreciated value, and accept in satisfaction of such indebtedness the fair and reasonable value of such claims.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

date, the party against whom such judgment has been rendered, shall be entitled to a new trial or appeal, on affidavit that he was unavoidably absent from the court at the time of the rendition of the judgment; *provided*, the court shall be satisfied from all the facts which may be submitted by affidavit by both parties that such good and meritorious defense exists, and that such application for a new trial or appeal shall be made within twelve months after the adoption of this ordinance.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

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Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

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Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

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Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.



## AN ORDINANCE

Extending the time of election of members of the General Assembly until the 25th instant, in certain counties.

*Be it ordained by the people of Georgia, in Convention assembled,* That the voters of those counties of the State of Georgia, in which from the short notice given, elections for members of the General Assembly cannot be held on the 15th instant, as provided by the Constitution, be and they are hereby authorized to hold said elections on Saturday, the 25th inst., and that the members elected as aforesaid be allowed to take their seats at the earliest practicable day after the General Assembly shall convene, under the same rules and regulations as if they were elected on the day first aforesaid.

*And be it further ordained,* That three hundred copies of this ordinance be printed for the use of the members of this Convention.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## AN ORDINANCE

To render null and void all debts of this State created for the purpose of carrying on the late war against the United States.

*Be it ordained by the people of Georgia, in Convention assembled,* That all debts contracted or incurred by

the State of Georgia, either as a separate State, or as a member of the late partnership or confederacy of States, styled the Confederate States of America, for the purpose of carrying on the late war of secession against the United States of America, or for the purpose of aiding, abetting or promoting said war in any way, directly or indirectly, be, and the same are hereby declared null and void; and the Legislature is hereby prohibited forever from, in any way, acknowledging or paying said debts or any part thereof, or from passing any law for that purpose, or to secure or provide for the said debts, or any part thereof, by any appropriation of money, property, stocks, funds, or assets of any kind to that object.

2. *Be it further ordained*, That inasmuch as the annual income of the State, before and during said war, from taxation and other sources of revenue, was amply sufficient for the support of the ordinary civil government of the State, and for the payment of all of its expenses, incident to a state of peace; and as the extraordinary expenses which led to the creation of a debt were the offspring and results of the war, it is therefore the judgment, ordinance and decree of this Convention, that all debts of the State incurred during said war, shall be considered, held and treated as debts incurred for carrying on the war; *provided*, that nothing herein contained shall prevent any Legislature hereafter to assemble, from making appropriations of money for the payment of any claim against the State originating after the 19th January, 1861, where it shall be made clearly to appear that such claim was founded upon a consideration disconnected with any purpose of aiding or assisting the prosecution of the late war against the United States, and not incidental to a state of war.

3. *Be it further ordained*, That all bills, bonds, notes, or evidences of debt whatever, issued by the State, payable only in Confederate currency, or on a contingency or contingencies which have never happened, and can now never happen, have ceased to be debts at all, either in whole or part, and are hereby wholly prohibited from being paid, even though originally issued for other purposes than that of carrying on the said war, or aiding or establishing it, directly or indirectly.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### AN ORDINANCE

To authorize the Provisional Governor, or his successor, to borrow a sum of money for the pressing necessities of the Western and Atlantic Railroad.

*The people of the State of Georgia, in Convention met, do ordain*, That His Excellency, the Provisional Governor, or his successor, be, and either of them is, hereby authorized and empowered to borrow a sum of money not exceeding one hundred thousand dollars, at a rate of interest not exceeding seven per cent. per annum, upon bonds of the State of Georgia, in such form, and upon such time as he may deem expedient, to be used under his direction in supplying the pressing necessities of the Western and Atlantic Railroad; and further, that the income from said railroad may be pledged for the

payment of the interest and principal of said bonds as the same may become due.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### AN ORDINANCE

To provide for the payment of the officers and members of the Convention.

*Be it ordained*, That the sum of ten dollars per day be paid to the President of this Convention during the present session, and the sum of four dollars for every twenty miles of travel going to and returning from the seat of government, to be computed by the nearest carriage route usually travelled; the sum of six dollars each per day to the members of the Convention, and the sum of four dollars for every twenty miles of travel under the same rule which applies to the President. The sum of eight dollars per day to the Secretary, and seven dollars each per day to the Assistant Secretary, engrossing, enrolling and other clerks, and the clerk to the committee of sixteen, allowed by resolution of the Convention, with the same mileage as is allowed the members, and the sum of ten dollars to the Secretary for contingent expenses, or so much thereof as may be necessary to pay the same; the sum of six dollars each per day to the Doorkeeper, Messenger, and Assistant Messenger, and

the same mileage as is allowed the members, and the sum of fifteen dollars to the Messenger for contingent expenses.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

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## RESOLUTIONS.

### RESOLUTION.

*Whereas*, Many portions of this State are unprotected by the immediate presence of any of the military forces of the United States, and there exists an uneasiness in the public mind, under the apprehension that civil order may be disturbed by evil-minded persons associating themselves together, or otherwise, for purposes of violence, and that the law may be obstructed in its execution, for want of adequate police force to enable the civil officers of the State to enforce the same; *and whereas*, this feeling of insecurity tends greatly to retard the resumption and prosecution of the various peaceful and industrial pursuits of the people necessary for their prosperity and happiness; therefore,

*Resolved*, by the people of Georgia in Convention assembled, That His Excellency the Governor, be, and is hereby earnestly requested to provide, by proclamation to the people of Georgia to be issued as early as practicable, for the formation, in every county in this State, of

one or more militia or volunteer companies, to act as a police force to suppress violence, to preserve order, and to aid the civil officers of this State in the enforcement of the laws thereof, under such regulations, consistent with the Constitution and laws of the United States, and of this State, as he may prescribe; and that such organizations as may be made under this resolution, to subsist until otherwise provided by law.

*Resolved, secondly,* That the foregoing preamble and resolutions be signed by the President and Secretary of this Convention, and that the President communicate a copy of the same to His Excellency James Johnson, Provisional Governor of Georgia, and forthwith transmit, through the Provisional Governor, the same by telegraph to His Excellency Andrew Johnson, President of the United States, and earnestly solicit his approval thereof.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION.

The committee of seven to whom was referred the message of His Excellency James Johnson, and the documents accompanying it on the subject of cotton and tobacco purchased by the State, desiring further information on that subject, it is

*Resolved,* That His Excellency the Governor, be requested to communicate to this committee, if within his

power to do so, how much money has been drawn from the treasury of this State with which to purchase cotton for the State, and how much with which to purchase tobacco, when, by whom, by what and by whose authority it was drawn, whether State or Confederate States money, bills, or bonds, or what, and of different kinds of money, bills or bonds, how much of each kind, and how much cotton and tobacco was purchased with the money of the State so drawn from the treasury, the number of bales and their weight, and when and from whom it was purchased, and at what price, and whether it was paid for in the same kind of currency, money or bonds that was so drawn from the treasury with which to purchase those articles? How many agents were employed by the State, and by whom employed to purchase the cotton and tobacco herein referred to, and who they were, and where they now reside, and then resided, and what compensation, and how and in what it was paid them and each of them, and by whom, for their services; and also what portion of the cotton so purchased by the State has been sold, and by whom and to whom sold, when, at what price, and for what currency it was sold, and what amount of State money issued since the war has been placed in the State treasury, and when, and by whom placed there and what amount of such State money has been exchanged for Confederate States bills, or bonds, before and since it went into the treasury, and when, and by whom, and with whom, and especially what State officers or officials have made such exchange, and when and with whom, and to what amount such State officer or agent has thus exchanged, and what use has been made by all

such officials or agents with the Confederate money they thus acquired by such exchange?

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION.

*Whereas*, two telegrams, one from the President of the United States and one from his Secretary of State, have been received and read to the Convention, indicating, in rather plain terms, what course should be pursued by this Convention in relation to the State debt of Georgia contracted to carry on the war, which telegrams both refer to communications received from the Provisional Governor of this State; it is therefore,

*Resolved*, That a committee of three be appointed from this body by the Chair, and required to call upon the Provisional Governor, James Johnson, for a copy of the telegrams sent by him to Washington, and all communications between him and the department in Washington, relating thereto.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.



## RESOLUTION.

To memorialize the President of the United States in behalf of Jefferson Davis, and others.

*Resolved*, That a committee of five be appointed by the Chair to memorialize the President of the United States in behalf of Jefferson Davis and Alexander H. Stephens; and of James A. Seddon, of Virginia, A. G. McGrath, of South Carolina; Allison and David L. Yulee, of Florida, and H. W. Mercer, of Georgia, now confined as prisoners in Fort Pulaski, at the mouth of Savannah River, and all other prisoners.

Signed November 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

*Whereas*, under the acts of the Congress of the United States, and the instructions of the treasury department, the assessors for the State of Georgia are about to assess a tax upon real estate upon the valuation of 1860; *and whereas*, the value of that description of property now, when the assessment is about to be made, is much below that of the year 1860, and will operate injuriously upon the agricultural interests of the State now greatly depressed; therefore,

*Resolved first*, That a committee of five including the President of the Convention as chairman, be appointed

by the President, whose duty it shall be to memorialize the Hon. Hugh McCulloch, Secretary of the Treasury, requesting a suspension of the assessment until the meeting of the Congress of the United States, and that if compatible with his sense of justice he recommend such a modification of the internal revenue laws as will allow the assessment for the tax of 1864 to be made upon the present value of real estate.

*Second.* That said committee place the memorial, when prepared, in the hands of the Provisional Governor, with the request that he forward it to the Secretary of the Treasury, and give it the influence of his recommendation, if it comport with his sense of propriety.

Signed November 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### ADDRESS.

*To His Excellency* ANDREW JOHNSON,

*President of the United States of America:*

The people of the State of Georgia, now in Convention, having repealed all ordinances and resolutions by them heretofore adopted, with a purpose to separate themselves from the United States, and to enter into another confederacy; and having adopted a constitution strictly republican, wherein the supremacy of the Constitution, constitutional laws, and treaties of the

United States of America are distinctly affirmed; having therein recognized the emancipation, by the United States Government, of persons previously held as slaves in this State, and ordained in the fundamental law, that neither slavery or involuntary servitude (save as a punishment for crime), shall hereafter exist in Georgia; and having, as they conceive, done all things necessary and proper, on their part, to the full and complete restoration of their State to her rights and privileges as a State, and as a member of the American Union, respectfully request that all needful executive and legislative measures be taken to effect such restoration as speedily as possible.

We, the delegates of the people, fully informed as to their purposes and desires, assure Your Excellency that it is their fixed intention to perform their whole duty as citizens of the United States; that their desire is to live under the Constitution, in peace and harmony with the whole people, and to see sectional strife banished forever from the national councils.

We moreover express to you, sir, their entire confidence in your just and kind intentions towards them; and their anticipations of your conciliatory and trustful consideration of their acts and doings in this Convention.

Signed November 8th, 1865.

REPORT, RESOLUTION AND ORDINANCE IN REGARD TO THE FREEDMEN OF THE STATE OF GEORGIA.

The committee to whom was referred the message of the Provisional Governor, enclosing a communication

from Brig.-Gen. Tillson, Assistant Commissioner of the Bureau of Freedmen, Refugees and Abandoned Lands, have had the same under consideration and direct me to report the following resolution and ordinance:

*Resolved, by the Convention, That the wise and liberal proposition of Brig.-Gen. Tillson, Assistant Commissioner of the Freedmen's Bureau, to employ certain officers of this State as agents of said Bureau, to adjust the difficulties between the white and colored people of this State, and to maintain the police of the country, be, and the same is hereby, accepted; and it is hereby ordained by this Convention, That the Justices of the Peace, Ordinaries, and all other civil officers, or unofficial citizens of this State, are hereby authorized to perform such services as may be designated by said agent in adjusting difficulties between the white and colored population of this State, in maintaining the police of the country and other similar matters, when ever requested so to act by said Superintendent.*

Signed November 1st, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION.

Authorizing the Secretary to appoint three assistants, and that they be sworn.

Resolved, That the Secretary of this Convention be

authorized to employ three clerks to aid him in the discharge of the duties of his office.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

RESOLUTION.

Asking the executive clemency in behalf of citizens not yet pardoned.

*Resolved*, That a committee of five be appointed by the chair, whose duty it shall be to memorialize His Excellency Andrew Johnson, President of the United States, invoking the executive clemency in behalf of those of our fellow-citizens, belonging to the classes excepted from the benefits of the late Amnesty Proclamation, and who may be as yet unpardoned.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

RESOLUTION.

To raise a commission of five, consisting of Messrs. Starnes, Stephens and others to provide a code, &c.

In view of the changed relations of the citizens of

this State, to the large number of persons recently held by them as slaves, but now recognized as freedmen, and of the imperative obligation resting upon the former to give efficient protection to the latter, and to promote among them the observance of law and order, habits of industry and moral improvement:

1st. *Be it resolved*, That a commission of five persons, viz: Messrs. Ebenezer Starnes of Richmond, Linton Stephens of Hancock, Wm. Hope Hull of Clarke, Logan E. Bleckley of Atlanta, and Lewis N. Whittle of Bibb, be, and they are, hereby appointed forthwith to prepare and report to the Governor at the earliest practicable day, to be laid before the General Assembly at the next session, a code or system of laws to carry into effect the fifth paragraph of the third section of the second article, and the third clause of the second section of the fourth article of the Constitution adopted by this Convention, and that they be requested to meet at Milledgeville, on the 13th instant.

2. That any three of said commissioners may act, and may in their discretion fill vacancies in their own body occasioned by the non-acceptance or resignation of any member of it, and that this resolution be communicated by the Secretary to each commissioner.

3. That the General Assembly be requested to make provision for their compensation.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

To allow the Secretary of this Convention the sum of two hundred dollars for certain labor therein specified.

*Resolved*, That the Secretary of this Convention be allowed the sum of two hundred dollars for making out and arranging the index for the Journal and bringing up the unfinished business of the Convention, and correcting a proof-sheet of the same, and forwarding to each delegate to this Convention and to each Ordinary and each clerk of Superior and Inferior courts of each county of this State, a copy of said Journal.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

Appointing Orme & Son Public Printers.

Redding of Harris, moved that Orme & Son be appointed printers of the Convention by acclamation. Adopted.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

To substitute as a rule of this Convention in lieu of existing rules on the subject.

*Resolved*, That the following be adopted as a rule of this Convention, in lieu of the existing rule on the subject—

The yeas and nays of members of this Convention on any question shall be entered on the Journal, at the desire of one-fifth of the members present, and not of a less number.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

To add another to the rules of the Convention.

The Constitution that may be adopted by this Convention, and all ordinances and resolutions passed, shall be signed by the President and Secretary of the Convention, which shall be a sufficient authentication thereof. No ordinance already passed upon one reading, shall lack validity for that reason.

Signed Nov. 6th, 1865.

HERSCHEL V. JOHNSON, President

Attest:

J. D. WADDELL, Secretary.



## RESOLUTION.

Authorizing the Committee of Seven, appointed to take into consideration the subject of the cotton hitherto belonging to this State, to send for persons and papers.

*Resolved*, That the special Committee of Seven, appointed to take into consideration the subject of the cotton hitherto belonging to this State, while in session, shall have power to send for persons and papers.

Signed Nov. 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## REPORT

And Resolutions of Committee of Sixteen.

The Committee of Sixteen recommend the adoption of the following resolutions.

*Resolved*, That the repealing ordinance, the Constitution, and all other ordinances adopted by this Convention, when signed by the President and countersigned by the Secretary, be presented to His Excellency the Provisional Governor, with a request that he cause the same to be sealed with the great seal of the State, adopted by this Convention, filed in the office of the Secretary of State, and by him recorded in a book suitable to the permanent preservation of the same.

*2d, Resolved,* That a second copy of the said repealing ordinance and of the Constitution, signed and countersigned and sealed as aforesaid be placed in the hands of His Excellency the Governor, as well as a second copy of any other ordinance designated by him, for the purpose of being transmitted to His Excellency the President of the United States, signed, countersigned as aforesaid, of the address to the President, adopted by the Convention.

*3rd, Resolved,* That the Journal of this Convention be deposited in the office of the Secretary of State, and that thirteen hundred copies thereof be printed and distributed as follows: One copy to each member of the Convention, one to each member of the next General Assembly; one to each Judge of the Supreme and Superior Courts, and one to the Ordinary, the Clerks of the Superior and Inferior Courts of each county; and that to said copy of the Journal so printed there be added an appendix containing the Constitution, ordinances and resolutions adopted by this Convention, together with an index.

*4th, Resolved,* That Messrs. DeGraffenried of Baldwin, Blount of Jones, and Cochran of Wilkinson, be a committee to bring up the unfinished business of the Convention.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION.

To authorize the Provisional Governor to draw his warrant for the payment of Mr. Orme & Son, for the printing of this Convention.

*Resolved*, That His Excellency the Provisional Governor be authorized and requested to draw his warrant upon any funds in the Treasury, or which may come into the Treasury, for the payment of Mr. Orme & Son for the printing of this Convention.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

To refer second article of the Constitution to committee of sixteen, with instructions to report a plan of reduction.

*Resolved*, That the second article of the Constitution be recommitted to the Committee of 16, and that the plan of reduction before the Convention, and all others which may be suggested, shall be referred to said committee, with instructions to report a plan of reduction.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest.

RESOLUTION.

For Auditing Committee to have 300 blanks printed.

*Resolved*, That the Auditing Committee be authorized to have 300 blanks printed for the use of said committee.

Signed Nov. 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

RESOLUTION

Requesting Provisional Governor to communicate facts to this Convention.

*Resolved*, That His Excellency, the Provisional Governor, be requested to communicate to the Convention at any time, any facts in his possession that he may deem of public interest.

Signed Nov. 2d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## AN ADDRESS

To the President of the United States from the committee of five.

*To His Excellency* ANDREW JOHNSON,

*President United States:*

The people of Georgia, through her delegates in Convention assembled, respectfully and earnestly invoke the exercise of the Executive clemency in behalf of those of our fellow citizens embraced within the exceptions to the late Amnesty Proclamation, who may as yet remain unpardoned.

Including, as the vast roll of her disfranchised citizens does, many of her finest intellect and purest patriots, and involving much of her available wealth, the Convention of our State respectfully recommend these men to your magnanimous clemency as our needed coadjutors in the mighty task of reorganization, and as worthy subjects of your most generous kindness.

The Convention pledges their future fidelity to the Government of the United States. The very tenacity of their devotion to the South in the late struggle, the very heroism and magnitude of their efforts in an unsuccessful cause, and the very chivalry of their characters, as evinced in the trying vicissitudes of a gigantic war, will be your last guarantee of the virtue of their resignation to the result, and of the sincerity of their allegiance to a government which disarms them by its magnanimity, enchains their gratitude by their kindness, and punishes them only with its clement pardon.

Believe us, sir, there is no looking back. The State of Georgia is prepared to do her whole duty in and to the Government, and she now asks for the restitution to her control and use of her entire citizens, for whose integrity and loyalty she gives you her most solemn pledge in order that they may assist her to work out from her travail and desolation the high destiny she still trusts is in store for her and them, under a government that has just emerged unharmed from the most desperate convulsion of the world's history and whose tremendous power will be infinitely strengthened by its immeasurable benignity.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### A RESOLUTION

Authorizing the President of the Convention to appoint a committee of five to be styled the Committee on Journals.

*Resolved*, That the President of this Convention appoint a committee of five, to be styled the Committee on the Journal, whose duty shall be to examine and approve the daily Journal of this Convention before its submission to the Public Printer for publication.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

Tendering Hon. William M. Burnell a seat on the floor.

*Resolved*, That the Hon. William M. Burnell, an old and highly respectable citizen of Virginia, now present, be-invited to a seat on this floor.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

Asking the President of the United States to pardon Josiah Tattnall.

*Resolved by the people of Georgia in Convention assembled*, That we, the members of this Convention, in behalf of the whole people of Georgia, do invoke the kind consideration of His Excellency Andrew Johnson, President of the United States, in behalf of Josiah Tattnall, a citizen of the State of Georgia, who has done his country good service, and earnestly pray that His Excellency will remove the disabilities under which he now labors, and grant to him a full pardon, with the restoration of the small property which he held at the time of his resignation from the navy of the United States.

*Resolved*, That the foregoing, signed by the President of this Convention and attested by the Secretary, be for-

warded to His Excellency the President of the United States.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION

Authorizing the President of this Convention to convene the same under certain contingencies, &c.

*Whereas*, a contingency may arise which will make it necessary for the assembling of this Convention, or the election of new members to a Convention, and to prevent the agitation and excitement that might ensue from another election.

*Be it therefore resolved*, That this Convention adjourn today at 12 m., and stand adjourned subject to the call of the President of the same, should a contingency arise in regard to our Federal relations, or other cause, which, in his judgment, will make it necessary for the Convention to be again convened; *provided*, said call be made within six months; if not made within that time, then this Convention to stand adjourned *sine die*; and *provided further*, that in the event of the death, resignation, or other disability of any member of this Convention, the vacancy shall be filled by election under proclamation of the Governor.

*2d, Resolved*, That in the event of the removal, death, or resignation, or inability of the President of this Con-



vention, then the same authority vested in him by the foregoing resolution, be, and the same is, hereby vested in the Governor or officer acting as Governor of the State.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTIONS

On the death of Hon. Benj. H. Rice, delegate elect from the county of Quitman.

The melancholy announcement having been made to the Convention of the death of Benj. H. Rice, Esq., a member of this Convention from the county of Quitman, who departed this life on the 26th instant:

*Resolved*, That the members of this Convention lament the death and sympathize with his family on the great bereavement which they have suffered, and that as a mark of respect to the memory of the deceased, this Convention do now adjourn.

*Resolved*, That these resolutions be entered upon the Journal of the Convention.

Signed Nov. 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

In regard to the death of the Hon. Hines Holt.

*Resolved 1.* That the members of the Convention deeply lament the death of their associate in this body, the Hon. Hines Holt, a delegate from the county of Muscogee; and tender to his bereaved family their heartfelt condolence.

*Resolved 2.* That as a mark of respect for his memory and sorrow for his death, the members will wear the usual badge of mourning on the left arm for the space of thirty days.

*Resolved 3.* That a committee of four members of this Convention be appointed by the President to superintend the arrangements touching the remains of the deceased, and to attend them from this city to his late home in Muscogee county.

*Resolved 4.* That the members of the Convention will, in a body, attend the remains of the deceased from his late lodgings in this city to the Railroad depot.

*Resolved 5.* That a copy of these resolutions be transmitted by the Secretary of the Convention to the family of the deceased.

Signed Nov. 6th 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Adopting the rules of Convention of 1861 for the government of the Convention.

*Resolved*, That the rules of the Convention of 1861 be adopted for the government of the deliberations of this Convention, and that 500 copies be printed for the use of the delegates.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Authorizing State Treasurer to make advances to members of Convention.

*Resolved*, That the State Treasurer be instructed to make advances of mileage and per diem pay to delegates of the Convention, according to the mileage and per diem allowed to members of the General Assembly by the Code of this State.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

For the relief of the tax payers of the State of Georgia.

*Whereas*, by the misfortunes and results of the late war, the people of the State of Georgia have, in a great measure, been left moneyless, and many of them without any reasonable prospect, at an early day, of making money, and many, too, holders of large real estates, such as lands which are, from the embarrassed condition of the people, dormant, and likely to remain so for some time to come; to the owners of which it would be a great sacrifice to force a sale of such property at this time to meet the tax demands of the State and general government; therefore,

*Resolved*, That this Convention most respectfully recommend for the consideration of the ensuing Legislature and urges upon them the passage of some bill based upon the credit of this State, that will as far as practicable relieve the people of an immediate, direct, burdensome tax, booth from the State and general government, until the pecuniary condition of the country will better enable the people to otherwise meet these demands.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

And memorial to the President in behalf of Jefferson Davis and others.

MILLEDGEVILLE, Oct. 30th, 1865.

*To His Excellency* ANDREW JOHNSON,

*President of the United States:*

The Delegates of the State of Georgia, in Convention assembled, do earnestly invoke the executive clemency in behalf of Jefferson Davis and Alexander H. Stephens, and of James A. Seddon of Virginia; A. Y. McGrath of South Carolina; ——— Allison and David L. Yulee of Florida, and W. H. Mercer of Georgia, now confined as prisoners in Fort Pulaski, and of all other prisoners similarly circumstanced.

Your Excellency has been pleased to restore Mr. Stephens to his liberty. He returns to the grateful people of his State as a solemn pledge of the magnanimity which rules the public councils; and his great name and influence will be potent to revive the amity of the past, and to fructify the wise and generous policy which Your Excellency has inaugurated. Emboldened by this example, impelled by the purity of our motives, and stimulated by the prayers of a numerous people, we appeal for clemency in behalf of the distinguished persons we have named.

Restore them to liberty and to the embrace of their families, translate them from captivity to the light of freedom and of hope; and the gratitude of the prisoners

will be mingled with the joyful acclamations which shall ascend to Heaven from the hearts of the people.

Jefferson Davis was elevated to his high position by our suffrages, and in response to our wishes; we imposed upon him a responsibility which he did not seek.

Originally opposed to the sectional policy to which public opinion with irresistible power, finally drove him, he became the exponent of our principles and the leader of our cause. He simply responded to the united voice of his section.

If then he is guilty, so are we. We were the principals, he was our agent. Let not the retribution of a mighty nation be visited upon his head, while we, who urged him to his destiny, are suffered to escape.

The liberal clemency of the Government has been extended over us; we breathe the air and experience the blessings of freedom; we therefore ask that the leader, who, in response to the democratic instincts of his nature, the principles of his party, and the solicitations of his section, became the head and front of our offending, shall not be bruised for our iniquities or punished for our transgressions.

Mr. Davis was not the leader of a feeble and temporary insurrection; he was the representative of great ideas and the exponent of principles which stirred and consolidated a numerous and intelligent people. This people was not his dupe. They pursued the course which they adopted of their own free will; and he did not draw them on, but followed after them. It is for these reasons that we invoke the executive clemency in his behalf. His frame is feeble, his health is delicate; all broken by

the storms of State, he languishes out in captivity a vicarious punishment for the acts of his people.

*Resolved*, That the foregoing memorial, signed by the President and attested by the Secretary of the Convention, be transmitted to the President of the United States.

Signed Nov. 1st, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION

Authorizing the Governor to appoint three Commissioners for the State, to enquire into the finances of the State, &c.

1. *Resolved*, That His Excellency the Governor be recommended to appoint a Commission of three competent persons to whom shall be assigned the duty of making a thorough examination and investigation of the financial operations of the State, from the first January, 1861, to the present time, and report the result of such investigation to the next Legislature.

2. That the Commissioners so appointed shall, before entering on the discharge of their duties, be sworn faithfully to discharge the duties of said Commission, and be authorized to administer oaths, send for persons and papers, and have power to compel attendance of witnesses, and to require all financial agents of the State to make such reports of their receipts and dis-

bursements as may be necessary for the Commissioners to arrive at all the facts necessary to a proper discharge of their duty.

3. That the Governor be authorized to pay such Commissioners as he may appoint, a fair and reasonable compensation for their services.

*Be it further resolved*, That the Provisional Governor be requested to take from Mr. Henry Brigham an assignment of all his interest in the sixteen hundred and fifty (1650) bales cotton purchased by said Henry Brigham from A. Wilbur, agent for the State and on receiving such assignment that he pay Mr. Brigham any expense he may have incurred in and about said cotton; provided, the same do not exceed two hundred dollars (200) and also deliver up the notes of said Brigham, given for said cotton.

*Be it further resolved*, That the Governor and our members in the Senate and Congress of the United States be respectfully urged to press the claim of this State for this cotton, and all other cotton belonging to this State, and taken possession of by the United States authorities.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.



## RESOLUTION

Requiring one thousand copies of Constitution and all Ordinances and Resolutions of a public character, to be printed for the use of the members of the Convention.

*Resolved*, That as soon as the Convention have passed the Constitution of the State, one thousand copies of the same be printed for the use of the members of the Convention; also, one thousand copies of all Ordinances and Resolutions of a public character, which have been or shall be passed, up to the final adjournment of the Convention.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

In relation to drawing for seats.

*Resolved*, That the Secretary of this Convention be instructed to prepare separate tickets of each county in this State, preparatory for drawing for seats, and that said drawing take place at once.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

To provide for the payment of Ordinaries and Clerks of the Courts of this State for certain services rendered by said officers.

*Resolved*, That in the opinion of this Convention, it is incumbent on the General Assembly soon to meet, to make early and just compensation to the Ordinaries and Clerks of the Courts of the several counties, for services rendered in administering to citizens the amnesty oath prescribed in the President's Proclamation, as directed by His Excellency, Gov. James Johnson, and that they be and are respectfully requested so to do.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Tendering seats to Ex-Gov. Joseph E. Brown and others.

*Resolved*, That Ex-Gov. Joseph E. Brown, the Hon. B. H. Hill, the Hon. R. P. Trippe, Hon. H. V. M. Miller, and Brig.-Gen. A. R. Wright, be tendered seats in this Hall.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

That Committee of 16 take into consideration the necessity of organizing temporary organizations of militia in each county.

*Resolved*, That a committee be appointed of one from each Judicial District, who are hereby instructed to take into consideration the necessity of providing for the temporary organization of one or more militia companies in each county in the State, and report to this Convention by ordinance or otherwise.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

Authorizing the President of the Convention to appoint enrolling and auditing committee.

*Resolved*, That the President of this Convention be authorized to appoint two standing committees, to consist of five delegates each, to be known as the Committee on Enrollment and the Auditing Committee.

Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Authorizing Secretary to appoint three Assistants and that they be sworn.

*Resolved*, That in accordance with the rules of this Convention, requiring the Assistant Secretary and En-grossing and Enrolling Clerks to be sworn; the Secretary be authorized to appoint such Assistant and Clerks, and that they be sworn accordingly.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

Respecting economy and condemning the multiplication of unnecessary officers.

*Whereas*, Economy in the public expenditure is an element of strength in Republican Governments,

*Resolved*, That the multiplication of unnecessary officers is condemned by the people of Georgia.

*Resolved*, That this Convention respectfully, but earnestly recommends to the General Assembly, whose duty it shall be to fix by law, the salaries of Executive, Legislative and Judiciary officers, that said salaries ought not

**A RESOLUTION**

That Committee of 16 take into consideration the necessity of organizing temporary organizations of militia in each county.

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Signed Nov. 7th, 1865.

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Attest:

J. D. WADDELL, Secretary.

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Signed Nov. 7th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Authorizing Secretary to appoint three Assistants and that they be sworn.

*Resolved*, That in accordance with the rules of this Convention, requiring the Assistant Secretary and En-grossing and Enrolling Clerks to be sworn; the Secretary be authorized to appoint such Assistant and Clerks, and that they be sworn accordingly.

Signed Nov. 3d, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

Respecting economy and condemning the multiplication of unnecessary officers.

*Whereas*, Economy in the public expenditure is an element of strength in Republican Governments,

*Resolved*, That the multiplication of unnecessary officers is condemned by the people of Georgia.

*Resolved*, That this Convention respectfully, but earnestly recommends to the General Assembly, whose duty it shall be to fix by law, the salaries of Executive, Legislative and Judiciary officers, that said salaries ought not

to exceed adequate compensation for services actually rendered.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

#### RESOLUTION

Of thanks to the Governor, and authorizing him to pay for printing, &c.

*Resolved*, That the thanks of this Convention be tendered to His Excellency the Provisional Governor for his acceptance of the Office, for the considerate kindness with which he has administered its delicate and difficult details and for his courtesy to this body.

2. That His Excellency be requested to forward to the President of the United States, copies of the repealing ordinance, and of such other ordinances and resolutions as he may deem proper; also, copies of the Constitution and the address to the President adopted by the Convention.

3. That His Excellency the Governor be requested to draw his warrant or warrants upon the Treasurer in payment of the accounts for printing ordered by this Convention, and also the printing of blanks furnished Ordinaries to administer the amnesty oath, at the rates

fixed by law, as the same may be executed, if there be funds in the Treasury to meet said demands.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

A RESOLUTION

To notify His Excellency, the Governor, that this Convention have agreed to adjourn at 12 o'clock, meridian, this day, and if he has any further communication to make.

*Resolved*, That a committee of three be appointed to notify His Excellency the Governor that this Convention have agreed to adjourn this day at 12 o'clock, meridian, and to enquire if, in the meantime, he has any further communications to make.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.



## RESOLUTION

To pay Rev. Mr. Flinn fifty dollars for his services as Chaplain of this Convention.

*Resolved*, That His Excellency the Governor be, and is, hereby authorized and requested to draw his warrant on the Treasurer in favor of the Rev. W. Flinn for the sum of fifty dollars for his services rendered as Chaplain of this Convention.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## A RESOLUTION

To print 500 copies of the Report of the Comptroller-General.

*Resolved*, That five hundred copies of the Annual Report of the Comptroller-General, made to the Governor on the 10th inst., be printed for the use of this Convention.

Signed Nov. 6th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

RESOLUTION

Of thanks to the Secretary and his Assistants.

*Resolved*, That the thanks of this Convention are tendered to the Secretary and his Assistants for the faithful discharge of their duties, and their polite and gentlemanly bearing in their intercourse with this body.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

RESOLUTION

Of thanks to the President of this Convention, the Hon. H. V. Johnson.

*Resolved*, That the thanks of this Convention are due, and are hereby tendered to the President of this Convention, the Hon. H. V. Johnson, for the ability, impartiality and courtesy that have characterized his administration as our presiding officer.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## RESOLUTION

Of thanks to the committee of sixteen.

*Resolved*, That the thanks of this Convention be, and they are, hereby tendered to the committee of sixteen, appointed to prepare and report business for this Convention, for the diligence, ability and untiring zeal displayed in the very laborious and satisfactory discharge of the duties devolved upon them.

Signed Nov. 8th, 1865.

HERSCHEL V. JOHNSON, President.

Attest:

J. D. WADDELL, Secretary.

## GOVERNOR CHARLES J. JENKINS.

(From State Archives.)

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THURSDAY, DECEMBER 14th, 1865.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., December 14, 1865.

His Excellency Charles J. Jenkins, of the County of Richmond, elected by the people on the 15th of November last, Governor and Commander-in-Chief of the Army and Navy of this State and of the Militia thereof, to serve until the election and qualification of his successor, was this day, at 12 o'clock M., inaugurated in the Representative chamber, at the Capitol in Milledgeville, and being conducted by a committee to the executive office, entered upon the discharge of his duties.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., December 15, 1865.

TO THE GENERAL ASSEMBLY:

I respectfully suggest to you the importance of passing, before your contemplated recess, an act providing

for the admission of the testimony of free persons of color into the courts of the State, with such limitations as your wisdom may devise.

Convinced as I am that such a measure is not only right in itself, but necessary to the full restoration of civil authority in Georgia, I earnestly request your early consideration of the subject.

Many of our citizens now charged with crime or misdemeanor will probably be remitted to the civil tribunals for trial, if such an act be passed, who will otherwise be tried by military courts. Without intending to insinuate ought against the latter, I may remark that trial by the former is more in accordance with the genius of our institutions and the experience of our people.

Respectfully, etc.,

CHARLES J. JENKINS.

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WEDNESDAY, DECEMBER 20th, 1865.

The following telegram from Hon. Wm. H. Seward to His Excellency James Johnson, Provisional Governor of Georgia, was this day communicated to His Excellency Charles J. Jenkins, Constitutional Governor of Georgia, to-wit:

WASHINGTON, December 19th, 1865.

RECEIVED AT MILLEDGEVILLE, December 20th, 1865.

HIS EXCELLENCY JAMES JOHNSON,

Provisional Governor of Georgia.

SIR: The time has arrived when, in the judgment of the President of the United States, the care and conduct of the proper affairs of the State of Georgia may be remitted to the Constitutional authorities, chosen by the people thereof, without danger to the peace and safety of the United States. By direction of the President, therefore, you are relieved from the trust which was heretofore reposed in you as Provisional Governor of the State of Georgia. Whenever the Governor-elect shall have accepted and become qualified to discharge the duties of the Executive office, you will transfer the papers and property of the State now in your custody to His Excellency the Governor-elect.

It gives me especial pleasure to convey to you the President's acknowledgements of the fidelity, the loyalty and discretion which have marked your administration.

You will please give me a reply specifying the day on which this communication is received.

I have the honor to be Your Excellency's most obedient servant,

WM. H. SEWARD.

WEDNESDAY, DECEMBER 20th, 1865.

The following telegram was received from Hon. Wm. H. Seward, to-wit:

WASHINGTON, D. C., Dec. 19, 1865.

Received at MILLEDGEVILLE, Dec. 20th, 1865.

*His Excellency, the Governor of the State of Georgia,*

SIR: By direction of the President, I have the honor herewith to transmit to you a copy of a communication which has been addressed to His Excellency James Johnson, late Provisional Governor of Georgia, whereby he has been relieved of the trust heretofore reposed in him and directed to deliver into Your Excellency's possession the papers and property relating to the trust.

I have the honor to tender you the co-operation of the government of the United States whenever it may be found necessary in effecting the early restoration and the permanent prosperity and welfare of the State over which you have been called to preside.

I have the honor to be, with great respect, your most obedient servant,

W. H. SEWARD.

THURSDAY, DECEMBER 21st, 1865.

The following dispatch was sent to Hon. Wm. H. Seward in reply to the above, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., December 21st, 1865.

TO THE HON. WM. H. SEWARD,

Secretary of State, U. S.

SIR: I have the honor to acknowledge the receipt of your telegram of the 19th inst., together with a copy of a communication to His Excellency James Johnson, late Provisional Governor of Georgia.

Be pleased to tender to His Excellency the President my grateful return for his recognition of the official position in which the people of Georgia have placed me, and assure him of my fixed purpose to observe and obey as well the Constitution of the United States as the Constitution of the State of Georgia. Express to him also my thanks for the offered co-operation of the government of the United States in effecting the early restoration and permanent prosperity and welfare of the State. Upon his co-operation our people build earnest hope of a speedy return to suspended relations with the other States of the Union.

I have, sir, the honor to be, very respectfully, your obedient servant,

CHARLES J. JENKINS.



MONDAY, JANUARY 15th, 1866.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, January 15th, 1866.

SENATORS AND REPRESENTATIVES:

Accept my greeting, upon the resumption of your duties, after a brief recess. During that interval, supposed by some to be fraught with peril, although there have occurred, in different localities, shocking exhibitions of crime, we have witnessed no general or concerted disturbance of public tranquility. Doubtless this experience will awaken in all hearts renewed gratitude to, and trust in, an over-ruling Providence; and encourage persistent effort to recreate, from our recent chaotic condition, social order, and prosperous domestic economy.

Within a week after your adjournment, His Excellency, the President of the United States, was pleased to relieve of his trust His Excellency the late Provisional Governor, and to remit the government of the State of Georgia into the hands of the chosen agents of the people. This was certainly a cheering advance in his restorative policy, and illustrates both the kindness of his purposes, and the wisdom of your patient waiting and prudent action.

During nearly the whole period of your absence from the Capitol, the Congress of the United States has likewise been in recess, and there have therefore been no decided demonstrations of the policy that will be pursued

by that branch of the Federal Government. But enough has transpired to justify the expectation, that not many months will elapse before our people will be represented in the Halls of Congress. As surely as the laying of a foundation gives promise of a superstructure, just so surely are we guaranteed an early restoration to all of our rights as members of the American Union.

In popular governments, the highest legislative function is that of framing or altering a written Constitution. History furnishes no record of a people, not only permitted, but urgently invited, to participate in the exercise of this high function, actually exercising it, and then arbitrarily denied participation in the ordinary legislation springing out of it. An amendment of the Constitution of the United States has been proposed by the Congress, in the mode prescribed by that instrument, to the Legislatures of the several States, and its adoption depended upon the concurrence of the Legislatures of three-fourths of those States. These bodies assumed, *seriatim*, as they came into session, to act upon it; those States which had never separated or attempted to separate themselves from the Union, and whose governments therefore had never suffered disorganization, acting first. A point was reached when a concurrence of the requisite number had not been attained, and possibly might not be. At this juncture, States, situated as was Georgia, were one after another getting again into an organized condition; and their Legislatures, upon their assemblage, were distinctly invited, by Federal authority, to take action upon this very important amendment. Most, if not all of them, among whom was Georgia, not only acted but gave their concurrence. A proclamation has gone forth, announcing formally, that the proposed amend-

ment had been adopted by the Legislatures of three-fourths of the States, the names of which are set forth. In this catalogue are embraced Georgia and several other States not recently represented in Congress, but now prepared and desirous to be so represented. Strike their names from the catalogue of the proclamation, and it would have no constitutional basis upon which to rest. If those States be not in the Union, the Federal theory upon which the war was waged is wrong—and they could not rightfully have voted on the adoption of the amendment. Yet their votes were distinctly solicited, have been counted, and have given it the desired sanction.

Shall it be said of a Confederate Republic, that certain States were in the Union for one purpose, and out of it for all others—that whilst invited to participate, and actually participating, in the making of fundamental law, they were incapable of participation in the most trivial act of ordinary legislation—that whilst they, with other States, ordained that certain things be done by the National Legislature, they can have neither part nor lot in the doing of them? Imagine the criticism upon republican government which such a state of things would envoke from monarchists of the old world. Let us not anticipate this result. It would be too great an outrage upon the excluded States—too disturbing to the self-respect of the actors—too damaging to free institutions—if not too high a crime against them, at least too conspicuous a blunder in the legislation of their chief exemplar. Such an idea may possibly possess the minds of few persons, having peculiar intellectual and moral idiosyncracies, but surely, will never control the action of the Congress of the United States. Then let us not be so uncharitable as to harbor the suspicion. Being recog-

nized Constitution-makers *for* the Union, we shall be, ere long, legislators *in* the Union. I have said thus much on the subject, because of the disquiet it produces in the public mind, which I would fain aid in allaying.

#### REPORT OF THE COMMISSION.

The commission appointed by the convention which met in October last, to prepare for your consideration a code or system of laws for the government and protection of persons recently emancipated from slavery, and for other purposes, have reported, and I transmit a copy of their report herewith. Without dwelling upon its provisions in detail, I take great pleasure in commending it, as a whole, to your most favorable consideration. It is just and liberal, as it should be, to the freedman. It is safe, as it should be, to the citizen. It extends no political rights to the former, but it gives ample security to his rights of person and of property. Like a great majority of the States which never admitted, or have long since abolished slavery, we are wholly averse to investing him with political rights and privileges. For that very reason, we are under the highest conceivable obligation to protect him in his rights of person and property, and to aid, by all just means, his advance to civilization. This aid we gave him, this advance we effected for him, whilst in slavery. Why should it be withheld now? Whilst we insist upon occupying, in relation to those persons, the position of the governing class, let us fully and fairly meet its responsibilities.

With the original report, I also transmit a copy of it with alterations suggested by the commissioners themselves, upon revision. I invoke for the product of their labors careful examination, divested of all lingering prej-

udices, engendered in a system which has passed from us forever. The commissioners have earned your gratitude, as well as the compensation suggested by the convention, which it will be your pleasure to make.

#### THE WESTERN AND ATLANTIC RAILROAD.

This very valuable item of State property has, as you are well aware, suffered great detriment from the war. The government of the United States, upon taking possession of it, through the military authorities, made such repairs as were necessary to make it available for their own uses, but these were not of a permanent or substantial character. When delivered to the State authorities in September last, not only was the condition of the road itself bad, but there was an almost entire destitution of rolling stock, machine shops for repairs of locomotives and cars, material to be used in them, ordinary supplies and fuel. The report of the Superintendent (which will be laid before you as soon as received) will inform you that he purchased of the articles above enumerated from the United States government upon terms stated, a very considerable quantity, the cost of which was little short of four hundred thousand dollars. Although this purchase involved the assumption of a large discretion, when it is considered that there was at that time no higher authority emanating from the people which could be consulted—that, without the property purchased, the road, so necessary to commerce and to the supply of the wants of the people, could not have been operated—that it could not have been purchased elsewhere on a credit, and therefore not at all—and that even in its dilapidated state, the road, in the short space of two months, yielded a net in-

come exceeding one-half the amount of the purchases—the wisdom of the act will be fully exemplified.

But large as this outlay, it falls far short of what must yet be expended to repair the damages, and put the road in a condition to meet the demands upon it in the transportation of passengers and freight. Several of the largest bridges were destroyed and must be rebuilt. Three of the temporary structures erected to supply their places, have been either swept away or greatly damaged by freshets during your recess, so that no trains can now run continuously between Atlanta and Chattanooga. Daily communication in both directions is indeed maintained, but at much trouble and expense, and with greatly diminished income. The night trains are now unavoidably dispensed with. I doubt not you will be admonished by this unfortunate result, of the necessity of making speedily such expenditure as will effectually prevent its recurrence.

The funds necessary to the object must be raised upon the credit of the State. So soon as I am furnished with an estimate of the probable cost, I will lay it before you for consideration. You will, I am persuaded, feel no hesitation in incurring such debt as may be necessary for the purpose, in view of the assurance furnished by its past operations, that the road will soon work out its own redemption, and then resume its suspended function of feeder to your treasury. Nothing now is needed to make it a source of immense revenue, than solid, permanent improvements, motive capacity corresponding to its position in connecting lines of railroad, and skillful management. All this Georgia can supply, and will, without unnecessary delay, if true to herself.

The last mentioned condition of its success, skillful management, demands present consideration. Although I should derive from it incalculable personal relief, I can not concur in the suggestion, that the management of this great public interest should be transferred to a board of commissioners, to be elected by the people, or by the General Assembly. In discharging the responsible duty of "giving you from time to time information of the state of the republic, and of recommending to your consideration such measures as I may deem expedient," I shall yield neither to suggestions of morbid delicacy, nor to the fear of being reproached with lust of power. In discussing the relative merits of the present and the proposed schemes for the management of the road, both of which have been brought to experimental test, the former finds abundant support in the fact, which I think will scarcely be contested, that the greatest success has been achieved under it. But I rest not the argument on this alone. With a board of commissioners, you will have divided responsibility, divided counsels, bickerings, criminations and recriminations, and the inevitable loss of respect for the immediately controlling authority. Be that authority vested in one, or in many, he or they exercising it must be so compensated that other avocations may be entirely abandoned, and the whole time given to the work. If there be several inadequately compensated, each will look to some other employment to supply his deficiency of income, and to his associates to supply his deficiency of attention to their joint trust, and thus a great interest will receive little faithful supervision. All can not be adequately compensated for the yielding of their whole time, without incurring enormous expense. This, however, is the least substantial objection.

It will be conceded that capacity for the management of so vast a business can only be fully ascertained by trial. Whoever may be entrusted with it, or however appointed, should be subject to removal instantaneously that in capacity, or infidelity, was developed; and usually the powers of appointment and removal are placed together. The people, in the nature of things, could not exercise the removing power. The General Assembly are not in session one-sixth of time, in an average of years, and when in recess, can not convene of their own pleasure, and therefore are unfit depositories of the removing power. If this were separated from the appointing power and vested in the executive, (supposed to be always in place), difficulties still present themselves. First, there would be danger of antagonisms arising between the executive and legislative departments, or between the former and the great body of the people, which would be unfortunate. Secondly, vacancies made should be speedily filled, but this could only be done by giving to the Governor the power of appointment for an interval longer or shorter, according to circumstances; and thus by a free exercise of the power of removal, he might at last draw to himself, in a good degree, that of appointment. This, too, would occasion jealousy and dissatisfaction. To my mind it seems abundantly clear, that system is the best, for such an enterprise, which most certainly fixes personal responsibility, and most effectually secures prompt removal, for incapacity, or faithfulness. This is attained by having all the responsibility of superintendence centered in one, and all the responsibility of his appointment and continuance in office, centered in an other, himself immediately accountable to the people.



The qualifications for superintendence and management of such a work are by no means common, and cannot be secured without adequate compensation. Lack of qualification can not be supplied by the mere multiplication of employees. Less than one-half the aggregate salaries of five, and but little more than half the aggregate salaries of three commissioners, placed at the lowest rate that would command very moderate ability, would doubtless secure one Superintendent of high capacity. Hoping that the great importance of the subject will be regarded as sufficient reason for giving it so large a space in this communication, I leave it, with the respectful recommendation that very little, if any change be made in the present system, and that the salary of the Superintendent be increased to such an extent, as, in your judgment, will secure the highest capacity for the position. I earnestly request early action upon the whole subject, that there will be no unnecessary delay in putting the road on the proper basis.

#### THE PENITENTIARY.

Public opinion seems to have been greatly divided upon the expediency of the penitentiary system. The burning of several of the buildings appurtenant to that institution, by the United States' forces in their progress through the State, has furnished its opponents with a favorable opportunity for attack.

The history of punitive justice in the United States, and in Great Britain, from which our ideas of jurisprudence, civil and penal, have been mainly derived, clearly develops through a series of years, a perceptible recession from sanguinary and degrading punishments. For these have been substituted punishments of decided se-

verity, but redeemed by their connection with reformatory appliances. Chief among them is that of solitary confinement at hard labor, for a term apportioned to the character of the offence. This, which makes the penitentiary system, has been generally adopted in the States of the Union, and seldom, if ever, abandoned after trial. Its introduction, always makes a very marked change of system, and I am inclined to think that the disappointment so often expressed in Georgia with its results, has been occasioned mainly by unreasonable expectations entertained in its inception. The wit of man can devise no scheme of punitive justice which will prevent the commission of crime—under any system the criminal calendar will increase with increasing population. If the system which has so long existed in Georgia be abandoned, what shall replace it? I am aware of no other suggestion than a return to that which preceded it. About thirty years since, the General Assembly of Georgia made this experiment, but the scenes of the whipping post, and the pillory, and the exhibition in the open court of the red hot brand, burning infamy into human flesh, produced in one year such a revulsion of popular feeling, that their immediate successors undid their work, and restored the penitentiary. It may well be questioned, whether our constituency would *now* look with more equanimity upon such proceedings. In making the change under consideration, the crimes now punishable by confinement in the penitentiary, must be divided in two classes—the more aggravated added to the list of those entailing capital punishment—the other remitted to barbarous sanctions of an exploded code. To the latter I have already alluded. In reference to the former, it may be well to consider the probable efficiency of the

proposed penalty. Statesman, jurists and publicists, of this day, agree in the opinion that certainty, gives more efficacy to punishment, than severity. Where trial by jury prevails, no reliable estimate can be made of the certainty, with which any proposed punishment will wait upon crime, without consulting public opinion, regarding its propriety. We are not without some data for the application of this test. The number of crimes now subjected to capital punishment, in Georgia, is comparatively small; yet it is perfectly notorious, (using the mildest form of expression,) that in such cases, the character of the foreseen punishment, marvelously increases the difficulty of satisfying jurors that the accused has committed the crime charged. So evident is that feeling, that your existing code, provides as one test of the qualification of a juror, before he is put upon the accused, the question "*are you conscientiously opposed to capital punishment?*" This test, as all know, excludes from the jury box, many good, but, as I humbly conceive, sadly mistaken men. I submit whether, in the face of such clear indications of public feeling, it be expedient to swell the list of capital offences, by the addition of minor ones. The horse thief might well prefer to go before the country with the penalty of death impending, rather than with the milder one, affixed by the present code. This view might be extended, but you will readily follow the train of thought.

My recommendation, therefore, is, that instead of abandoning, you address yourselves, with the light of experience, to the work of improving the system. One of its greatest recommendations, theoretically, is that it tends to the reformation of the convict. This merit is wholly denied to it by its opponents. The truth fairly

stated, probably is, that in this respect it has accomplished less than was expected. The practical question is, may it not be made to accomplish more? That many convicts will prove utterly incorrigible is to be expected, and in most instances this will be indicated very soon after their admission. These should be subjected to the hardest labor, and to the greatest attainable isolation, thus diminishing their corrupting influence. As regards the less obdurate subjects, it is worthy of consideration whether hope, that great excitant of human action—hope of return to free life, under favorable auspices—hope of shortened imprisonment—hope of mitigation of its severity while it lasts, may not be more freely and more judiciously used as a reforming agent. Has it been sufficiently considered—has it been fairly tested, how far reward in the shape of mitigated punishment, may consist with punishment itself which is meant to be reformatory? Have extraneous good influences such as moral and religious oral teaching, impressive and well directed reading—been applied with sufficient judgment and persistency? The solitary element of the convict's imprisonment is, doubtless, very potent, because very bitter. Its stringent enforcement to restrain bad influence, and to conquer obduracy, would be eminently proper; whilst its judicious relaxation, as a reward of good conduct, and earnest effort to amendment, might be very salutary.

The tendency in such institutions, as in schools for boys, and higher seminaries of learning, is to one unvarying disciplinary course, regardless of difference in traits of character, or in degrees of depravity. It makes the daily administrative routine more easy, and hence the strong temptation to it, but no educator of the young

ever achieved distinguished success under it, and prison discipline so conducted, must fail likewise.

Should you determine to adhere to the system, much will have to be done to repair the material injury sustained by the institution, into which, doubtless, your committees will enquire, as well as into its general management, to which I am as much a stranger as any, and more than many of you.

The question will probably arise, whether if it be continued, it shall be rebuilt here or established anew at some other point. There are certainly advantages in having such an institution at the seat of the government, which will readily occur to the reflecting mind, and one great objection heretofore existing to the locality, viz.: its inaccessibility, by railroad travel, and transportation, is overcome already, and doubtless it will, ere long, be still more easy of access. There may, however, be advantages, in some other locality, commending it to preference. Of this, you, in your wisdom, will better determine. Should you determine to locate it elsewhere, I respectfully suggest that the present site, with necessary repairs to the buildings, not destroyed, and the addition of others, involving no large expenditure, might be used advantageously, as a labor prison for persons of color convicted of certain crimes. Public works of suitable descriptions, such as the tanning of leather, and the lower and more easily acquired mechanic arts, coming within the purview of the report of the commissioners, herewith transmitted, might be advantageously established there.

By Act of the General Assembly, approved December 6th, 1862, the executive was authorized to establish, in

connection with Messrs. Devine, Jones and Lee, a card factory, for the supply of a want sorely felt throughout the State. The connection was formed and the factory established on the penitentiary grounds. As in the changed circumstances of the country, it will not be desirable to either party to continue the connection, I advise the appointment of an agent or agents, with full authority to settle all matters in account between the parties, and to divide the assets, and make sale of such as may be allotted to the State.

The penitentiary, if continued in operation, will doubtless need the appropriation of more or less money to extinguish in whole or in part the amount due it by the State as stated in the report of the principal keeper, and to which your attention is invited.

#### STATE FINANCES.

The financial condition of the State, demands serious consideration, and wise action. The currency, in the treasury, when hostilities ceased, is utterly worthless. The functions of all officers of the State government having been, for several months suspended, no tax has been collected, during the political year just ended. The expenses incident to a reorganization of the government have been, thus far, met by temporary loans, and these are now very nearly exhausted. For all practical purposes the treasury may be said to be empty.

From what has already been said, it is apparent that during the year upon which we have entered, large sums must be expended, in the revival of important interest. In addition to these, the arrears due upon the civil list of the last year, the interest upon the public debt, unpaid

for several years, a portion of the principal of that debt, matured, while we have been cut off from connection with the rest of mankind, and the necessary expenses of the government during the political years 1866 and 1867, must necessarily be provided for. I include the expenses of 1867, because if resort be had to taxation, the usual resource for supporting government, that tax must be imposed and collected in the present year. The arrearages of the past, and the regularly accruing expenses of the present year, can be met only by the sale of valuable property possessed by the State, or by loans predicted on her credit. The former alternative I may dismiss, as an expedient without advocates.

Recourse must, then, be had to the credit of the State, and the practical questions are, to what extent and in what form it shall be used. I accompany this communication with a tabular estimate of money which will be required for the years 1866 and 1867, amounting to \$806,830 for 1866, and \$791,455 for 1867, which I think will admit no material reduction. Superadding to this sum, so much as you may determine to expend in the reconstruction and refitting, of the Western & Atlantic Railroad, and the penitentiary, and such other appropriations, as it may be your pleasure to make, for the relief of disabled soldiers, for the suffering families of those who fell in the war, which present strong claims upon our humanity and gratitude, and for any other purposes, you will be enabled clearly to estimate the necessities of the State. We may at once assume that the whole outlay in money which you may determine to make in the political year now current, which will terminate on the first of November next, must be borrowed, unless you

not only resort to taxation, but materially advance the payment of the tax.

Looking to the year next ensuing, (1867), it will be necessary to determine during your present session, whether you will provide for its wants by levying a tax during the present year, or whether you will put that burden also upon the credit of the State, and give to your constituents, in their reduced circumstances, another year's exemption from State taxation.

It must be borne in mind that there is upon the statute book, an unexecuted law, requiring the payment of a tax in the year recently ended—unexecuted, because of the disorganized condition of the government. I recommend the remission of this tax, and the imposition of a moderate one to be collected during the latter part of the present year, when fruits of its operations shall have been partially realized. In the tabular estimate, before referred to, I have for convenient reference set forth a statement, made up from the report of the late Comptroller-General—showing what sums different rate per cent. upon the assessed value of property in 1860, (other than slaves,) will yield.

Owing to the late period of your organization, and the circumstances surrounding you in your brief session, no appropriation of money for the civil establishment, in the current year has been made. The first quarter has very nearly expired, and to meet its demands it will be necessary to appropriate a sufficient sum, before a general appropriation act can be matured, and indeed as quickly as possible, the amount of which can be deducted from the estimates in the general bill.

Discouraging as is the present aspect of our finan-



cial affairs, it may safely be affirmed that you may make the embarrassment only temporary. The entire indebtedness of the State, clearly ascertained, including its funded debt, interest upon it in arrears, and the temporary loans effected recently to put the government again in operation, falls short of three millions, five hundred thousand dollars. If to this were added two million, five hundred thousand dollars to repair all reparable damages, and meet present necessities, without imposing heavy burthens upon a people temporarily exhausted by protracted war, the whole amount of indebtedness would be six millions of dollars. The annual interest upon this sum, and the annual appropriations for the support of government, upon the scale of estimate here presented, would not exceed eight hundred thousand dollars.

From the earnings of the Western and Atlantic Railroad, put in good working order, and from a tax of one-eighth of one per cent., upon the property of our people, (these estimates being put intentionally low,) we may safely calculate on an income of one million and fifty thousand dollars, showing a yearly balance in the treasury of two hundred and fifty thousand dollars. This annual surplus might be treated as a sinking fund for the public debt, as follows. If the debt be raised to six millions of dollars, (and it may fall considerably short of that amount) the bonds to be hereafter issued, in redemption of those matured within the last four years, and unpaid; in funding the arrears of interest on the funded debt; and to meet the pressing necessities of the State, will amount to three millions, four hundred and fifty-six thousand, two hundred and fifty dollars. Two per cent. upon this sum, set apart as a sinking fund (accumulative) would amount to sixty-nine thousand, one

hundred and twenty-five dollars, which deducted from the annual surplus of two hundred and fifty thousand, would leave one hundred and eighty thousand, eight hundred and seventy-five dollars. This sum set apart and applied faithfully to the payment of the bonds now extant, would (as a little calculation will show), pay their full amount. as they mature, until 1872, when it would extinguish nearly half; leaving about three hundred and seventy thousand dollars to be otherwise provided for, six years hence. That done, the annual surplus would in each year extinguish the maturing debt now existing, and close that account in the year 1881. Meantime the sinking fund provided, as proposed for the newly created debt, if faithfully set apart, and judiciously invested, would silently but surely work out its redemption. One great advantage of the sinking fund is, that it secures confidence, and opens the way for favorable negotiations of the securities for which it may be provided. But another incalculable advantage to the debtor State, is that it distributes the burthen of payment equally over all the years the debt has to run, which, for that reason, can never come, with a stunning shock upon the treasury, and necessitate a repetition of the borrowing operation. These are matters of calculation, the data for which are found in the Comptroller-General's report, except the estimated receipts from the Western and Atlantic Railroad, in which I have full confidence. If it be thought, sufficient margin has not been left for miscellaneous appropriations, the reply is, that, the annual income will be swelled by items of taxation not taken into the account, and by dividends on railroad stock, owned by the State, also left out, because not immediately available; whilst, by the gradual extinction of the public debt now existing,

there will be a corresponding reduction in the amount of interest to be annually paid, leaving each year a larger surplus.

It will have been seen, that it is proposed to meet the over due bonds by issuing other bonds, and, also, to fund the interest in arrear. There is every reason to believe that no difficulty will occur in effecting this negotiation. As evidence of this, I send you, herewith, a copy of a communication from Lewis H. Haslewood, Esq., of London,\* chairman of a committee appointed at a meeting of holders of American securities, on which there are arrears of interest. The very liberal proposition is therein made, to fund all the arrears of interest, and the interest to accrue to January, 1867, inclusive, into a bonded debt, the sole condition being, that a sinking fund be established of two per cent. per annum. The amount of debt represented by Mr. Haslewood, is not stated, but is presumed to include all the sterling bonds of the State, which amount to seventy-two thousand dollars, and may embrace others. If foreign creditors be willing to fund not only our interest in arrear on the first of July last, but that accruing within eighteen months thereafter, can it be supposed our home creditors will hesitate to fund that accruing to the 1st inst.? Without an adequate sinking fund, you can not resuscitate, promptly, the fallen credit of the State. With it you can. Unless it be resuscitated, you must either hawk your bonds about the money centers, and sell them at an enormous sacrifice, making a nominal rate of seven per cent. equivalent to from eight to ten per cent. and have your credit always depreciated; or you must greatly reduce your expenses,

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\*Paper not found.

including salaries, to a standard so low, as to banish from the service of the State, in all departments, citizens of sterling virtue and ability; or you must cause your constituents to groan under a weight of taxation, which, now, they are illy able to bear. To avoid these disastrous alternatives, earnest, decided action is dispensable; and it is high time that Georgia should adopt a judicious, stable, financial system. I recommend, therefore, *first*, that you authorize the executive, as the necessities of the State may require, *and to that extent only*, to issue bonds of the State, having not less than twenty, nor more than thirty years to run, bearing an interest not exceeding six per cent., for an amount, which added to the existing funded debt, not yet matured, shall not exceed six millions of dollars. *Secondly*, that for the payment of the interest, and for the creation of a sinking fund (accumulative) to discharge the principal of the debt, now proposed to be created, of two per cent. per annum on that principal, so much of the annual income of the Western and Atlantic Railroad as may be necessary, be sacredly pledged, and that this pledge be set forth in the bonds. *Thirdly*, that to the extent of this pledge, all appropriations hitherto made, for State uses and policy, of that income, (not involving the violation of contract,) be repealed.

Should these recommendations meet your approval, it may be necessary to contract short loans, to meet pressing necessities; but these may be extinguished, as longer ones are effected.

#### EDUCATION.

Hitherto the State has aided the cause of education chiefly, in two ways, first, by the endowment of a Univer-

sity, and secondly, by setting apart certain funds for distribution among the counties in aid of common schools. The case of the university is somewhat peculiar but readily understood. Its original permanent endowment was in lands, which, with the consent and approbation of the General Assembly, the Trustees sold on a credit, taking bonds and mortgages for purchase money. Subsequently, the State assumed the collection of these securities, and assumed to account to the University for the funds as collected. In liquidation of the resulting transactions, the State transferred to the university, one thousand shares of the Bank of the State of Georgia, owned by her, the par value being one hundred thousand dollars. The trustees were expressly forbidden to sell or in any way dispose of this stock, but were by act of the General Assembly guaranteed perpetually, eight per cent. income from the stock; any overplus that might accrue from annual dividends, enuring to the benefit of the institution, and any deficit of the eight thousand dollars, the State being pledged to make good. And this has often been done, no special appropriation being made in each instance, but the deficit always paid at the treasury by provision of the Act authorizing the transfer of the stock, and guaranteeing the annual income from it of eight thousand dollars. This guaranty was doubtless induced by two considerations; *first*, that, (as the history of the transaction spread upon the statute book shows) the transfer of the stock, was intended as a satisfaction and settlement of money collected by the State on the university bonds and mortgages. *Secondly*, because in making the transfer of bank stock the State assumed to inhibit the sale of it, which would have been unjust, without assurance of a certain annual income beyond all contingency. Deficits of the amount of the dividend, and

entire failures of dividends have always in good faith been responded to by the State. One of the results of the late war has been, the utter failure of the bank of the State of Georgia, and the consequent extinction of all possibility of farther dividends. But the obligation of the State remains unimpaired. There are, indeed, annuities, (for so they may be called) in arrear since the bank ceased to declare dividends. I am not aware of any purpose on the part of the trustees to urge, at this time of financial embarrassment, any claim for these arrears, and I trust they will forbear it for the present. But to the resumption of the payment of the annuity, they are clearly entitled, and without it, can not keep the university in successful operation. The late convention, having the history, I have here briefly detailed, fully presented to them, and in view of the importance of the whole subject placed upon the General Assembly, a Constitutional obligation, to "*provide for the early resumption of its exercises, (which had been unavoidably suspended) by a permanent endowment of the university.*" Relying upon the annuity of eight thousand dollars, the trustees have re-opened the institution, and I have, as you will perceive, in the estimates accompanying this communication, included this item. At as early a day as returning prosperity will permit, it will doubtless be the pleasure of the General Assembly to make the permanent endowment enjoined by the convention.

In like manner I have included in the estimates, the sum usually accruing from dividends on bank stocks, set apart for the purposes of common school education. This like the other, and like the noble charities in behalf of the insane and the blind, is too important, and too sacred a charge to be permitted to languish and die

for want of aliment, even in times such as these. I trust the time is not far distance, when much more can and will be done by the State for the education of the masses, and for the relief and comfort of those bereft of the natural senses, or still worse, of reason. Perhaps all we can do now, is to keep these institutions alive that they may hereafter receive proper nurture, and fulfil their missions.

#### LAWS REGULATING INTEREST.

I respectfully invite the attention of the General Assembly to the whole subject of legal interest on money. There is no greater vice in government than governing too much. Undue interference with an individual's use of his property, or with transactions between individuals, wherein each seeks, without covinous practices, to advance his own interest, always affects injuriously the general welfare. Hence, good governments do not seek to fix prices of articles, either of necessity or of luxury; nor do they attempt to fix the compensation to be paid by one man for the temporary use of another's property. Money, or rather the use of it, is as distinctly a subject of value, and its value is fluctuating, as the use or occupation of a tenement, or the hire of a horse, or other chattel. Yet while rent and hire are left to be regulated by contracting parties, interest on money is fixed by law, and that law enforced by vindicatory sanctions. I am unable to perceive on what principle this difference rests. The usual pretext is, that the restraint is a necessary protection to the needy against the usurer. But does he require it more than another child of want, who can procure no sheltering roof for his family, by reason of the occasional appreciation of rents? Does he re-

quire it more than another unfortunate, who, at times, can not give his family bread by reason of the high price of provisions? Sound political economy and right reason are against all such interferences with prices and values in commercial transactions. There are times when the use of money is worth much more than at others. With us it is really worth less than the legal rate of interest, but is often worth more. The policy of usury laws generally is, to place the legal rate of interest at the lowest point to which, in a series of years, it would go if untrammelled, and to keep it there, despite the varying relations of demand and supply. Hence, law-abiding capitalist usually prefer other modes of employing money. Active capital, like running water, will always leave an obstructed for an unobstructed channel open to it. But experience proves that usury laws, as a general rule, are only obstructions, in money lending, to conscientious or to cautious men. Their withdrawal, leaves a more open field to the unscrupulous and the daring, enabling them to extort from the borrowing class higher rates than with free competition could be maintained. Thus it appears to me the restraint imposed upon this branch of business is not only wrong in principle, but fails to afford the intended protection. There is at this time in Georgia a great want of money. Some need it to revive a suspended business—other to commence a new, in place of an old enterprise, utterly broken up. The capitalist abroad would bring his money here, if we were allowed to charge for its use what it is worth, without incurring forfeiture. It is probably wise, however, for any people to make decided changes in their monetary system gradually.

I suggest for your consideration, the expediency of



so modifying the law on this subject as to make seven per cent. the legal rate, where interest is chargeable according to law, and no rate fixed by contract; and to provide further, that any rate of interest not exceeding ten per cent, may be established by, and collected under, a contract, for the payment of money. This advance will probably be sufficient to test practically the merit of the proposed change, and it will be easy from this point to recede or advance further, as experience may dictate.

#### INCREASE OF PAUPERISM.

Owing to the sudden emancipation of persons of color, and their consequent deprivation of unfailing provision, hitherto enjoyed, for their wants, whether in infancy, in old age, or in sickness, there will probably be for a time at least a great increase of pauperism. Against its growth from idleness or vice, stringent legal penalties should be directed, and for such cases probably sufficient guards are provided in the new code. But for the unavoidable poverty and destitution, involving no degree of criminality, provision must be made. Your constituents, by the very act of emancipation which originates this new burthen, have been in a great degree impoverished, and it is hard that the two evils should simultaneously, in the hour of exhaustion, press upon them. Only a resolute and generous people could bear with equanimity the great loss, and its superadded annual product of loss. But precisely because they are both resolute and generous, they have, with equanimity, realized the fact and its consequences, and intend to do their whole duty, social and moral, as well as political. But it is neither necessary nor right that the whole burthen should be thrown upon them.

Pauperism is destitution of accumulated means of subsistence, combined with inability, from physical or mental causes, to produce them; but it only becomes a matter of public concern when no private relief is afforded. As a simple fact, it has always existed among that class, but has never before challenged attention as a social evil. Why this difference? Because under the exploded system, each pauper African had a master who cared for his wants—cared for them well—cared for them cheerfully. How was he enabled to do this, year after year? From the fact that associated with these paupers, as well by ties of consanguinity, as in fetters of bondage, were others capable of remunerative labor. The support of the pauper was nominally a charge upon the master, but he defrayed it from the earnings of the laborer, standing in the same relation to him. Now his pre-existing relation both to pauper and laborer is annulled. The pauper is no more a charge upon him than on the rest of the body politic. The fruits of the laborer's toil are transferred from him to the laborer himself. But the relations of the class and of kindred, between the pauper and the laborer, are undisturbed. The questions to be considered in view of the whole subject are, "does the transfer of the fruits of the laborers' toil, discharge them wholly from the burthen of supporting the pauper—the master having lost those fruits upon which the pauper's support was a charge, does *it* still adhere to him? It appears to me that whether regarded as questions in political economy, or abstract equity, the answer must be negative.

There is, however, another aspect of the case which must not be overlooked. The abolition of the relation of master and slave, which was a private relation, makes

the existing pauperism a matter of public concern, to the relief of which emancipated laborers, as a class, though not exclusively bound, are liable to contribute. I respectfully advise that a moderate capitation tax, such as no individual would feel oppressively, be laid upon each adult person of color, capable of earning wages, and devoted exclusively to the support of paupers, of the same class. I suggest also that the tax collected for this purpose in each county, be paid to and dispensed by the justices of the inferior court of that county, under such rules and regulations as you may choose to prescribe.

#### CLAIM OF COTTON.

In answer to a communication from Provisional Governor Johnson, relative to certain cotton claimed by the State of Georgia, and captured in Savannah by the Federal army, Mr. Secretary McCullough,\* of the treasury department, informs him by a letter, a copy of which accompanies this message, that the State must prosecute her claim in the court of claims, United States. It will be my pleasure to take such action in the case as you may direct.

#### IMPROVEMENTS TO PUBLIC BUILDINGS, ETC.

I transmit herewith a copy\* of the report of Col. Frobel, Engineer, upon repairs, and improvements, of the public buildings and grounds, to which I invite your careful consideration. Whilst even in public buildings and grounds there may be exhibited culpable extravagance, in useless ornamentation, there is a certain degree of

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\*Paper not found.

care in preserving, and of taste in beautifying them, the neglect of which is wholly inexcusable. The suggestion of Col. Frobel, and of your committees charged with this subject, will aid you more than anything I can say.

Whatever of error may be found in the recommendations herein submitted, I trust will be corrected by your superior wisdom, aided by light from the unerring source of all truth. That is our surest reliance, and best hope of our suffering and struggling constituents.

Respectfully submitted,

CHARLES J. JENKINS.

## APPENDIX.

(No. 1.)

## ESTIMATE OF EXPENDITURES FOR YEAR 1866.

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Arrears of civil list, 1865-----	\$ 60,000.00
Due the Penitentiary-----	18,000.00
Due the Lunatic Asylum, on appro'n., 1865---	18,375.00
Civil Establishment, 1866-----	88,600.00
Contingent Fund, 1866-----	16,000.00
Printing Fund, 1866-----	25,000.00
Support of paupers, salaries of officers, etc.,	
Lunatic Asylum, -----	64,500.00
Support of Academy for the Blind-----	6,000.00
Educational Fund, (common schools,)-----	23,355.00
Annual income guaranteed to the University--	8,000.00
Balance, estimated expense of the Legisla-	
ture, -----	75,000.00
Interest on the public debt-----	154,000.00
Estimated interest to accrue on new debt----	150,000.00
Miscellaneous appropriations, -----	100,000.00
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	\$806,830.00

(No. 2.)

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ESTIMATE OF EXPENDITURES FOR 1867 AND  
AFTERWARDS.

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Civil Establishment, -----	\$ 88,600.00
Contingent Fund, -----	16,000.00
Printing Fund, -----	25,000.00
All expenses of Lunatic Asylum-----	64,500.00
Appropriation to Academy for the Blind----	6,000.00
Educational Fund, (common schools,)-----	23,355.00
Annual income guaranteed University-----	8,000.00
Estimated expenses of General Assembly----	100,000.00
Estimated interest on Public Debt-----	360,000.00
Miscellaneous appropriations, -----	100,000.00
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	\$791,455.00

(No. 3.)

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ESTIMATE OF INCOME IN 1867, AND AFTER-  
WARDS.

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Net proceeds from Western & Atlantic Rail- road, -----	\$600,000.00
To be raised by ad valorem tax of 1/8 of 1 per cent., -----	450,000.00
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	\$1,050,000.00

(No. 4.)

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*Table showing results of different rates of taxation,  
ad valorem, on the assessed value of property, (other  
than slaves,) in 1860:*

One-half of one per cent. on \$369,627,722--	\$1,848,139.60
One-fourth of one per cent. on \$369,627,722--	924,069.80
One-eighth of one per cent. on \$369,627,722--	462,019.90
One-tenth of one per cent. on \$369,627,722--	369,627.00
One-twelfth of 1 per cent. on \$369,627,722--	308,023.00
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	\$3,911,879.30

WEDNESDAY, JANUARY 24th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, 24 January 1866.

*To the Senate and House of Representatives—*

The Constitution limits the number of Secretaries in the Executive Department to two. There are times, (such as the present,) when two are unable to discharge the duties of the office. I have now employed, and shall, from time to time, as circumstances may require, employ a temporary assistant in this office; the authority for which I derive from the seventy-fifth Section of the Code. My belief is that it will be necessary to retain the assistant, now employed, three months, and if the General Assembly would appropriate money to compensate him for that length of time, at the rate which may be allowed the Secretaries in this department, it would seem to be just, and would avoid throwing upon the contingent fund, a known item of expenditure. I hope I shall, after the expiration of three months, be able to dispense with such assistance, until the next meeting of the General Assembly. I remark, however, that the reduction of the number of Secretaries to two, throws upon those two at all times, a very heavy burthen, and would seem to entitle them to higher compensation, than was allowed when the labor was distributed among three.

Respectfully submitted,

CHARLES J. JENKINS,

Governor.



TUESDAY, JANUARY 30th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., January 30, 1866.

*To the Senate and House of Representatives—*

I herewith transmit to you a communication\* from the Superintendent of the Western & Atlantic Railroad, unavoidably delayed to this time. I trust it will enable you to make an approximate estimate of sum necessary to refit the road.

It will be seen that the sum total of purchase from the United State authorities is four hundred and sixty-four thousand, one hundred and fifty-two 25/100 dollars. A disagreement occurred between those authorities and the Superintendent as to the terms of sale and time of payment, which induced me to communicate with General Thomas, commanding division of the Tennessee. The terms exacted were: the giving of a bond, with approved personal security for the payment of the purchase money and interest two years after the date of the contract, or the payment in equal monthly installments, during the two years.

No bond having been tendered, monthly installments were demanded as the alternative. In his reply to me, dated January 4th, General Thomas, after stating his understanding of the terms, says: "I am willing, for the present, to defer the collection of the stipulated monthly installments, until the legislature has time to provide for a compliance with that condition, and I will

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\*See enclosure No. 2, Dec. 11, 1865.

instruct Maj. Crilley to defer the collection of the monthly payments, if you will urge upon the Legislature, at its next session, the propriety and necessity of authorizing Mr. Baugh, and the Treasurer of the State, to execute a bond pledging the faith of the State to the payments of the debt incurred by it in the purchase from the United States of Railroad property within a period not exceeding two years, with interest at  $7 \frac{3}{10}$  per cent. per annum."

As the payment of monthly installments may, and in the opinion of the Superintendent will, embarrass the road, I urgently recommend that the General Assembly, by an Act to be speedily passed, authorize the execution of such a bond.

I infer from the phraseology used by General Thomas, referring to the time of payment ("within a period not exceeding two years") that there will be no objection to the insertion of a clause providing for earlier payment, in the discretion of the State. This would enable the State, in case her bonds on long time can be negotiated at a rate of interest lower than  $7 \frac{3}{10}$  per cent., not only to save the excess during the two years, but to bring this debt under such general scheme as the General Assembly may think proper to adopt for the prospective adjustment of her finances.

I call your attention to that part of the Superintendent's report referring to a claim of the State of Georgia against the government of the United States for the occupancy and use of the road whilst in their possession. The Superintendent, entertaining the opinion that this claim should be promptly adjusted and such sum as might be found due the State applied to the payment of

the debt for property purchased, as above stated, from that government. I also pressed this point upon General Thomas' consideration. In reply he says: "As to the claim which the Western & Atlantic Railroad may have against the United States for all profits and money received by them from the road, that, in no way, is connected with the matter of indebtedness of the State to the United States, in so far as the turning over of the road to the State is concerned. The settlement of that claim is provided for by Act of Congress, approved January 31st, 1862, which provides for the appointment of commissioners who shall assess and determine the amount of compensation, (if any,) to be paid the road."

This subject will demand your attention during the present session. By the Act to which General Thomas refers, it is provided that the President, by and with the advice and consent of the Senate, shall appoint three commissioners who shall assess and determine the compensation to be made, and return their award for the consideration of Congress.

I believe this has not yet been done, but will be, probably during the present session of Congress, and some competent person, or persons, should be appointed to represent the claim of the State of Georgia before the commissioners when appointed,

I further ask your attention to what is said in the report regarding the levying of a tax upon the gross earnings of the road, in which I trust the government of the United States will not persist against such remonstrance as you may think proper to make.

You will see that the Superintendent closes his report with his resignation of the position. He accepted it un-

der circumstances most embarrassing, and has, I doubt not, devoted himself to the execution of his difficult trust with a degree of zeal, energy and fidelity which entitle him to grateful consideration.

I trust he will find, in other employment, less annoyance and a more compensating return.

Respectfully submitted,

CHARLES J. JENKINS.

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MONDAY, FEBRUARY 5th, 1866.

The following message was transmitted to the Senate, to-wit.:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 5, 1866.

TO THE SENATE—

I have before me for consideration a resolution originating in your body "for making valid contracts between white men and freedmen."

Doubtless the General Assembly in adopting it designed to benefit both parties equally, and to supply law for the interval between the reorganization of the State government and the passage of general statutes on the same subject now progressing. But after careful consideration, my belief is that such legislation if not posi-

tively wrong is of doubtful propriety and entirely unnecessary. The resolution is not exclusively prospective in its operation; it declares that "all contracts *made*, or to be made between the white men and the freedmen shall be held good and binding on both parties." etc. It will be conceded that no Act of legislation can invalidate a good contract. Would it be more efficacious to give validity to an invalid contract? If invalid when made, whether from incapacity of one of the contracting parties from want of consideration passing to him, from fraud practiced upon him, or from any other cause, it is his right to be released from it; and by an express provision of our constitution retroactive legislation injuriously affecting private right is prohibited.

It is the province of the judiciary to inquire into and determine the validity or invalidity of contracts; and this is done by applying to them general principles and rules of law existing when they were made. But this resolution provides that *all* contracts previously made between parties of a certain description "shall be held good and binding," meaning, of course, that they shall be so held by the judiciary. Were it intended (as I am sure it was not) that that branch of the government should enforce them, regardless of the facts surrounding them and the law entering into and governing them, when made, such intention would be wholly wrong and could not be carried into effect. If, on the other hand, the resolution introduces no new rule for the government of the courts, it is unnecessary and objectionable, because it may mislead.

There can be no doubt of the capacity of both the parties described within the usual range of their contracts. If there be defect of capacity in either regard-

ing any particular class of contracts, let that defect be cured by prospective legislation, but leave the consequences of their past dealings to be determined by the courts. Such is the usual and the safer rule.

Influenced by these views, I return the resolution with my dissent, and respectfully ask its reconsideration.

CHARLES J. JENKINS.

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TUESDAY, FEBRUARY 6th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 6, 1866.

The proper officers of the several banks of this State are hereby notified and required forthwith to make and transmit to this office their returns in conformity with the following resolution of the General Assembly, approved 6th February 1866.

*Resolved*, By the Senate and House of Representatives, That His Excellency, the Governor, be requested to call upon the several banks of this State to make a return of their condition conformable to the law now existing, and that the same be returned within ten days, and that the Governor be further requested to transmit said reports to the General Assembly when received.

CHARLES J. JENKINS,

Governor.

TUESDAY, FEBRUARY 6th, 1866.

EXECUTIVE DEPARTMENT,

Milledgeville, 6th Feb., 1866.

*To the General Assembly:*

With this communication I transmit copies of the proceedings of the stockholders of the Bank of Augusta, the Augusta Insurance & Banking Company, the City Bank, and the Mechanics' Bank, located in the city of Augusta.

It will be seen that the two former make positive surrenders of their charters, that the two latter have taken initiatory steps to the same end, and that they all have provided for the assignment of their assets, real and personal, for the benefit of their creditors; this act having been, at the date of their communication, completed by the President and Directors of the Augusta Insurance & Banking Company.

You are well aware of the legislation of your predecessors, alluded to in resolutions of the stockholders, and of the action taken by the Executive, by authority of that legislation. It is not questioned, I believe, that these Banks, and those of the State generally, were at the commencement of the late war in a sound condition, carrying on, within the limits of their several charters, a legitimate banking business. There is abundant reason to believe that but for the large accumulation in their hands of State securities of different kinds, which were repudiated by the late State Convention, under pressure of Federal authority, and of irredeemable Confederate

Treasury Notes, to which accumulation they were constrained to submit by an unusual and rigorous State policy, they would be in a condition to meet all their liabilities. If the existence of these facts be doubted, the truth of the case may be elicited by scrutiny into their management. If the recitals in their proceedings herewith be true, they present a strong claim upon the justice of the State, for such relief as it may be competent for the General Assembly to extend. Certainly it would seem reasonable, and beneficial, as well to them as to their creditors, that they be allowed to go into liquidation, under such restrictions as may avoid protracted and harrassing litigation, without impairing any security, provided by their several charters, for billholders and other creditors. I cannot dismiss the subject without remarking that if, by conforming their conduct to statutory requirements, the directors and other officers have been placed in a situation, which, if voluntarily assumed, would have subjected them to penalties imposed by prior legislation, *justice, (not charity,)* would suggest entire and prompt relief from those penalties. This just measure of exemption from punishment, where there is no guilt, would work no possible injury to creditors.

These remarks are predicated upon the statements made in the accompanying papers, and are intended to apply, not only to the banks above named, their directors and officers, but to all others similarly situated. I commend the whole subject to your just and wisdom.

I also communicate to the Senate, for the bodies in turn, a memorial from a Convention, said to have been held in the city of Ang



many of the subjects embraced in it have already been submitted to your consideration, and are now engaging your attention. On the whole subject of their status—their relation to the body politic—the large measure of protection and encouragement to which they are entitled, and the confidence I feel in your purpose to do all in the premises, that statesmanship and philanthropy may require, I have already conferred freely with you.

I herewith lay before the House of Representatives, for the use, in turn, of both bodies, the final report of the Georgia Relief and Hospital Association, from which, I think, you will find that the complicated and difficult trust, undertaken by that body, has been discharged with commendable energy and fidelity. The two documents last referred to are so voluminous that with the existing pressure upon the officers of this department, copies could not be made of them without inconveniently delaying their transmission; and hence the course adopted.

By the Act of the Congress of the United States, passed 5th August, 1861, for the raising of internal revenue, the direct tax assessed upon the State of Georgia is five hundred and eighty-four thousand, three hundred and sixty-seven and one third dollars, (\$584,367,33 $\frac{1}{3}$ .)

One of the provisions of this Act authorized the assumption by the States severally of the collection and payment of their respective quotas, and upon such assumption and payment a deduction of fifteen per cent., (15 per cent.). Without further legislation only the tax of one year will now be collected, and the process of collection in Georgia, from the people directly, has commenced, though but little progress has been made in it. Several of the Northern and Western States have, as I

am informed, actually assumed its collection and payment. My information is that the Secretary of the Treasury declines, without express legislation on the point, to permit this assumption by the States lately hostile to the United States. Such legislation may, during the present session, be entertained by the Congress, and although in our present status, we shall, standing without, witness a practical separation between the power of taxation and the privilege of representation, hitherto considered correlative and inseparable, in free governments. We may indulge the hope that, whilst our voices are suppressed, our just claims will not be ignored. On this, as on other points, patiently awaiting the prevalence of more liberal counsels, it is our part, as it is the unmistakable purpose of our constituents, to discharge our whole duty to the Government of the United States. Should the privilege be accorded, it may be after your adjournment, and in that event any action you may deem it proper to take on the subject must necessarily be hypothetical.

Should our people, in their present exhausted condition, be called upon to pay this Federal tax in the course of the year, and another at or near its close, for the support of the State Government, in the next political year, the burthen will fall heavily upon them. In our present financial condition, it is apparent that whatever relief, whether temporary or permanent, you may determine to give, must be accomplished by extension of the State's credit. Should you incline to extend relief in some form, and feel no other embarrassment than that resulting from the uncertain action of Congress, there are two alternatives, either of which would accomplish the object: *First*, you may authorize the Executive, in the event that the

privilege be accorded to the State, to borrow, upon her bonds, a sufficient sum to pay her quota. If this course be adopted, it would be expedient, without loss of time, by resolution, to request a grant of the privilege to assume, and a suspension of the collection directly from the people, until the question be determined by Congress. *Secondly*, leaving the people to meet for themselves, this Federal tax, you may relieve them from the payment of any State tax during this year, for the uses of the next, and rely upon a loan to supply that deficit. The material difference between the two expedients would be that although upon either alternative, the people would be relieved from one tax, upon the second they would have to meet the payment before realizing the fruits of the year's labor. Very far from countenancing the general policy of resorting to the credit of the State, rather than to the pockets of the people, for the support of government, I yet feel that a state of things without parallel in the past, and, I trust, in the future, may justify its present adoption, without giving it the dangerous authority of precedent. That state of things is simply this: on one hand a people having their individual pecuniary resources temporarily exhausted by a protracted and deplorable war—on the other, a State, constituted of the same people, having large permanent resources, and very small indebtedness, and therefore entitled to abundant credit. Under such circumstances, can it be said, that the use of that credit, for the relief of such a people, so suffering, would violate any principle of good government, or sound policy? I have felt it my duty to ask your consideration of the subject.

Until the year 1864, the Reporter of the Supreme

Court was required to publish his Reports in bound volumes. By the Act of 21st of March in that year, he was required to publish them "in pamphlet form, *instead* of in bound volumes." There can be little doubt that this enactment was induced by the state of war, then existing, but it is not limited in its duration, and without legislation, must continue to control that officer. In point of fact, the events of the war have unavoidably suspended all publication, which is felt as a certain inconvenience. But the reputation of the able and efficient officer, entrusted with that duty, gives ample guaranty that their publication will be speedily resumed and punctually maintained. The dignity of that tribunal, as well as a wise economy, render proper a return to the former mode of publication. I seriously doubt, however, whether, at the present high prices of material and labor, bound volumes can be afforded, at prices fixed in better times. This matter requires legislation.

Respectfully submitted,

CHARLES J. JENKINS,

Governor.

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FRIDAY, FEBRUARY 16th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 16th, 1866.

Ordered,

That Pleasant M. Compton of the county of Baldwin

be, and he is hereby appointed agent of the State of Georgia to adjust and settle, between the State and Messrs. Divine, Jones and Lee, the joint account and interest of the Card Factory, and to make sale of such portion of the assets assigned to the State as may not be needed in the penitentiary, agreeable to a joint resolution of the General Assembly.

CHARLES J. JENKINS,  
Governor.

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MONDAY, FEBRUARY 19th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

19th February, 1866.

*To the House of Representatives:*

Having carefully considered a bill to be entitled an act to punish persons for inducing or attempting to induce laborers of this State to forfeit their contracts, and to abandon the interests of their employers, which originated in your body, I am constrained to return it without approval. That there is a class of intermeddlers between employers and employee, upon whom the penalties of this act might justly be imposed; whose interference—unauthorized by law—is prompted by selfish considerations, rather than friendly regard to the laborer, I entertain no doubt. Nor do I doubt that it was the *sole* de-

sign of the General Assembly, by its enactment, to counteract the evil practices of these very wrong doers.

But my conviction is, that the application to the act, by courts and juries, of established rules of construction, would give to its operation a wider range—would produce a conflict between concurrent jurisdictions.

The intention, of course, is that the courts of the State shall enforce the provisions of the act. It must be borne in mind, however, that in our present anomalous condition, another power—the Government of the United States—has assumed the regulation of the entire subject of labor contracts between the more numerous class of laborers, and their employers. For that express purpose, a branch of service hitherto unknown to that Government, has been added to one of its great Departments, which through the instrumentality of numerous commissioners and agents, exercises administrative functions in every county, and every neighborhood, of this State. To this organization, styled the Freedman's Bureau, is entrusted the revision of all labor contracts between persons of color and citizens, with discretionary power to declare them valid or invalid. With the sanction of their Government they have established a rule that no contract is binding upon the freedman unless approved by one of these agents.

It were bootless to enquire whether or not this system is acceptable to your constituents; nor yet whether or not it is well adapted to the end in view. Your constituents had no voice in its establishment, can have none in its continuance or discontinuance. Enough for us to know, it exists—is pervading—is controlling. You will agree with me that the peace of society, and our progres-

sive advancement towards our ancient, and better political status, both, demand the avoidance of conflict between Federal and State authorities. Any action which would tend to this result is wrong. The language of the bill neither excludes from its operation the officers and agents of this bureau, nor limits it to contracts approved by them. It embraces in its scope all contracts for labor, and all persons inducing or attempting to induce the abandonment of any such contract.

Yet, with contracts disapproved by the Bureau, its agents are *instructed* to interfere. I think enough has been said to prove that the bill, under consideration, would probably lead to a conflict of authorities, and I trust you will agree with me, that that is a sufficient objection to its passage.

Respectfully submitted,

CHARLES J. JENKINS,

Governor.

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FRIDAY, FEBRUARY 23d, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 23, 1866.

*To the House of Representatives—*

In compliance with a joint resolution of the General Assembly calling for a report from the Committee on

State Finances, appointed by the recent convention, I herewith transmit to your body, in which it originated, the report of that committee this day received.

Accompanying the report is a communication addressed to me stating their appointment of a Secretary,—his services, and compensation due to him; also accounts filed with the committee by persons summoned here as witnesses to testify concerning transactions of State officers or agents, of which they were supposed cognizant.

As the compensation of the Secretary and witnesses was not provided for by the convention, I respectfully refer the matter to the consideration of the General Assembly.

CHARLES J. JENKINS,  
Governor.

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MONDAY, MARCH 5th, 1866.

EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,  
March 5, 1866.

TO THE GENERAL ASSEMBLY—

I herewith communicate reports received from two counties, of the number of destitute soldiers, and widows of soldiers, etc., in those counties.



In the message transmitted to you at the commencement of the session, I alluded to the destitution and sufferings of disabled soldiers, and their families, and of the families of deceased soldiers, as presenting strong claims upon our gratitude and our humanity.

Not knowing what action the General Assembly may propose to take on the subject, it is perhaps proper, that I should apprise you, that from information received from different quarters, and apparently reliable, I have reason to believe that before another crop can be gathered, the suffering among them, and other destitute persons, in counties which have been overrun by both armies, in the late war, will be most intense.

The liberality of citizens in those localities, who came out of the war with enough and to spare, has already been severely taxed to relieve such wants, and from it, little more can reasonably be expected.

The existing system for the relief of pauperism, is probably adequate to its necessities in ordinary times, and it is certainly bad policy to encourage among any people, a reliance upon government for a supply of the necessities of life. But the circumstances surrounding us at this time, are extraordinary—such as have never occurred before in our day, and we may hope will never occur again.

The question presents itself—how shall relief be given? To rely upon the raising of a tax in each county to meet the wants within its borders, would be liable to two objections. *First*, unless the collection of such a tax be accelerated much beyond the usual time, it will be too tardy to meet the exigency. *Secondly*, if it be so accel-

erated, it will find those upon whom the burthen must fall, generally unprepared for it.

I am not aware of any other method than direct State aid. For the extension of this, the times are certainly very unpropitious. An empty treasury may be by some regarded a sufficient reason for withholding large charities, however laudable. But it should be considered, that the State has a credit which these sufferers have not. This, and the further consideration that their sufferings are not the result of idleness or of vice, satisfy me that we should not hesitate to incur a debt additional to that contemplated for other purposes, in order to supply bread for a few months to the hungry and the helpless. The debt of the State is small—the increase you may direct for other objects will leave it still small, in comparison with her resources, and the addition of a few hundred thousand dollars, for such a purpose, will neither depress her credit now, nor materially embarrass her finances hereafter.

I recommend that you authorize the purchase of corn, in such manner and in such quantity, as you may deem advisable, at points where it is abundant, to be paid for by the negotiation of bonds, and provide for its judicious and faithful distribution. I trust the different railroad companies in the State, will, in aid of such a cause, lighten the State's burthen by favorable terms of transportation, to points of distribution, should you determine to take such action. So far as concerns the Western and Atlantic Railroad, you have the power to set the example.

CHARLES J. JENKINS,  
Governor.

(Copy)

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 5, 1866.

\$50,000.00. Six months after date the State of Georgia will pay B. H. Warren, President of the National Bank of Augusta, Georgia, or bearer, fifty thousand dollars in National currency of the United States, with interest at the rate of ten per cent. per annum, value received.

This by authority of the ordinance of the Convention dated 3rd day of November, 1865.

In witness whereof I have hereunto set my hand and Seal of office on the day and year first above written.

CHARLES J. JENKINS,

(Countersigned)

Governor.

JOHN JONES, Treasurer.

TUESDAY, MARCH 6th, 1866.

The following message was transmitted to the Senate,  
to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, 6th March, 1866.

TO THE SENATE—

Having given serious consideration to “a bill to be entitled an act for the relief of the people of Georgia, and to prevent the levy and sale of property, under certain circumstances, and within a limited period,” which originated in your body, with more than ordinary anxiety, if possible, to concur with the General Assembly, in the propriety of its enactment, I am constrained to return it without approval.

The Constitution of the United States, expressly ordains that “*no State shall pass any law impairing the obligation of contracts.*”

The application of this provision to the act under consideration, involves two enquiries:

*First*, what is meant by the obligation of a contract?  
*Secondly*, what constitutes an impairment of it?

A proper consideration of the subject requires a distinction between a contract and its obligation. The former is “an agreement to do or not to do a particular thing.” The latter is that which binds the promisor, to perform his agreement. We often speak of a moral obligation to perform a promise, the sanction of which is found in a pure and enlightened conscience. But it is

evidently not this which the Constitution was designed to save from impairment, because it is simply impossible for legislative action to change the dictate of conscience regarding any antecedent duty, which one person may owe to another.

We speak also of the legal obligation of a contract, by which is meant the force of law, compelling its performance or giving an equivalent, after its breach. In arguing the case of *Ogden vs. Saunders*, Mr. Webster remarked "*the municipal law is the force of society, employed to compel the performance of contracts.*" This force consists of all the means provided by law, to enable the promisee, without disturbing the peace of society, to compel the performance, by a reluctant promisor, of his engagement. Thus understood, it is clear that the Legislature, if unrestrained, would be capable of impairing or destroying the obligation; and it is precisely to guard it, that this prohibition was inserted in the Constitution.

The question then is presented, whether or not this act, against the intendment of the Constitution, impairs the obligation of contracts. It provides "that there shall be no levy or sale of property of defendants in this State, under any execution, founded on any judgment, order or decree, of any Court, heretofore, or hereafter to be rendered, upon any contract or liability, made or incurred prior to the 1st June, 1865; *provided*, the said defendant shall pay, or cause to be paid, during each year, one-fourth of the amount of principal and interest of such execution, or of the debt or claim, on which such execution has been, or may hereafter be, obtained, so that the entire indebtedness, shall be paid in four years from the first day of January, 1866, the first installment to be paid by the first January, 1867, and the fourth and last by

the 1st January, 1870.” Any officer levying, or selling, is made liable for a trespass. Here we remark that the prohibition of the Constitution is not directed solely against the destruction of the obligation. It is not, that no State shall pass any law *destroying* the obligation. Were it so expressed, however impolitic or unjust it might be, in any supposable case, to impair, without destroying it, the *Constitution* could not be interposed as a barrier to such action. But it is explicitly against impairment that the prohibition is directed. The intention being negative, not positive—prohibitory, not mandatory, the lessor interference is expected, because, being included in the greater, its prevention, prevents both. Hence it appears that something more was intended than to keep the obligation alive; which is all that can be claimed for a stay law.

Let it be borne in mind, that the obligation of a contract is *the force of law, compelling its performance, or giving satisfaction for its breach*. This force has a two-fold operation. First, it acts judicially, whereby the existence of the contract, its breach, and the mode of enforcement are determined, all of which are expressed in the judgment. Secondly, it acts ministerially, wherein, under command in writing, an officer of law, either transfers certain specific property from the possession of the promisor to that of the promisee, or converts into money, in a mode prescribed, such portion of the promisor’s property as will satisfy the judgment, and delivers it to the promisee. This done, the obligation of the contract is consummated—its performance is enforced.

But if when the judgment shall have been rendered and the next step, according to the law which creates the obligation, is to issue this written authority, (called

an execution), without which the judgment would be valueless, the State shall pass a law forbidding its issuance, for one year; or if, after it shall have been issued, the proper officer is forbidden to execute it, within a year, what effect has this litigation upon the obligation? We are told the effect is to suspend it, leaving its vitality untouched. True, by the terms of the law, vitality remains, but does this satisfy the Constitution? Is there no diminution, no weakening, no impairment, of the force of law, compelling performance?

Lexicographers tell us that to *impair* is to "*diminish, to weaken, to injure, to lessen in value.*" Suppose A to obtain a judgment against B, and C, to obtain another against D, at the same time, each founded on contract, and both, according to the general law, whence the obligation of contracts spring, capable of immediate execution. Then suppose the legislature to intervene, and enact, that the former shall not be executed within one year, leaving the latter untouched, would there then be no difference in the relative strength of the two obligations? A man in paralysis has vitality, as positive, as has he, in good health; yet it is impaired. So A's judgment has an obligation, but it is paralysed, "weakened," "diminished," by the temporary loss of its active quality, and therefore, impaired. In executing contracts, time is always an important element. It will probably be conceded that it would be unconstitutional for the General Assembly to enact that no promissory notes heretofore made, and to mature, on the first day of January, 1867, shall be considered due, and payable, before the first day of January, 1868. If this be so, it is difficult to perceive how the constitutionality of this Act can be maintained. If the day of payment may not be postponed

*before* maturity, by legislative action, it would seem, “*a fortiori*,” that it may not be, after maturity; or rather, that the contract may not be thrown back into immaturity, and a new day of payment appointed, by such action. Pursuing the line of argument, the right of the promisee, does not lose its character of contract, by the institution of a suit, nor by the rendition of a judgment to enforce it. That character abides and to it the Constitutional guaranty adheres, until it is either extinguished by performance, or smothered, by a statute of repose. Indeed, this act specially refers to contract in judgment, and to their dates. Hence I conclude the Legislature has no more power to appoint a new and distant day of payment, after suit commenced, or judgment rendered, than before. In all other respects, the promisee’s condition is considered better after judgment; why worse in this? Before judgment, his will is impotent to compel immediate performance of the contract. The judgment makes that will, the motive power of the obligation, for by it, the execution, the final process, may be put in action. But, by legislation of this character, that motive power is suspended—temporarily abstracted from the obligation. Perpetual injunction would destroy the obligation, *quo ad*, the action of this State; and I cannot resist the conclusion, that temporary injunction would impair it.

Again, the judgment and execution, which are intended to be the consummation, or end of the obligation, are lawful subjects of traffic, are salable commodities. It is indisputable that the possession and exercise by the Legislature of the power of suspending their operation, would “*lessen their value*,” as such; and this brings such legislation within another definition of impairment, viz.:



It "*lessens the value.*" If one Legislature may postpone for a year, each subsequent one may do the same. Already have the judgments affected by this act, been suspended five years by such action. Upon principle, these successive postponements might as well be continued an hundred years, or through all time. The hundredth would be as valid as any preceding one. But how, meantime, fares the obligation? The consolation offered to the promisee, and repeated to successive generations of his posterity, would be, that it flourished, in a green old age, its strength unimpaired by time.

The strength of the argument in favor of stay laws, lies in the proposition, that final process is but a part of the remedy, which must always be within the power of the Legislature; otherwise it would be impossible to correct errors in jurisprudence, or to improve the system as experience may develop its defects. The power of the Legislature to modify remedies, even at the cost of delay to suitors, then in court, must be conceded; but with two qualifications. *First*, the intention must be *bona fide*, to change permanently, and to improve the system. *Secondly*, this must always be done, if possible, so as not to affect injuriously antecedent rights. This act cannot be brought within either of them. *First*, it contemplates neither any improvement, nor any permanent change, of the judicial system. Sections 3553 to 3557, and section 336 of the Revised Code, regulate proceedings after judgment, in suits to enforce contracts. It is obviously not the intention of the General Assembly to make any change in these, further than to suspend them for a time, in the class of cases described in the act. No other course of proceeding is substituted—judgments rendered for special purposes, are excepted—and none, that may here-

after be rendered, on contracts made since the first of June, 1865, are included in the stay. In such cases therefore the course of the law, will be the same as heretofore. *Secondly*, if the change were permanent, if it contemplated just such a stay of execution, under judgments to be obtained, founded on contracts made since the first day of June last, the office of Sheriff is nevertheless continued, and therefore all judgments, founded on contracts heretofore made, might be executed, as well as in times past, and the obligation of the contract be unaffected. But in point of fact the bill not only affects them, but injuriously discriminates against them.

Here, then, is plenary evidence that it is not one of those great reformatory measures designed to improve the judicial system, for the permanent advantage of the body politic, that in truth it makes no change in the system, but only withdraws for a time, from a certain class of contracts, its obligatory operation. It is a temporary expedient, interposed between the debtor and creditor, for the relief of the former. It postpones for one year absolutely, and for four years conditionally, the full performance of all contracts entered into before the first of June last, and in my opinion, as flagrantly violates the Constitution, as if it affected contracts running to maturity, by postponing the day of payment, one, or four years, beyond that fixed by the terms of each.

The course or reasoning adopted, the principles affirmed, and the rules of construction applied to this clause of the Constitution by the Supreme Court of the United States, in several cases, seem to me to lead to this conclusion, although in none of them were the Legislative acts reviewed, indetical in their provisions, with this. These I will simply state without quoting from

them. They are *Sturges vs. Crowningshield*, 4th Wheaton, 122; *Green vs. Biddle*, 8th Wheaton, 1; *Ogden vs. Sanders*, 12th Wheaton, 213; *Bronson vs. Kinzee*, 1, Howard, 311; *McCracken vs. Hayward*, 2, Howard, 608.

In these cases, stay laws are, by way of illustration, more than once referred to, as violating this clause of the Constitution. In the first, Chief Justice Marshall, who bore a part in the proceedings for the adoption of the Constitution, expresses the opinion that the passing of such laws by the States, was one of the chief causes which induced the insertion of this clause. Judge Parsons, at page 703 of the 2nd volume of his authoritative treatise on contracts, affirms the proposition, as established by authority, that "an exemption of property from attachment (by which is meant levy) or a subjection of it to a *stay law*, or appraisement law, *impairs the obligation of the contract.*" He adds, "such a statute can be enforced only as to contracts made subsequently to the law."

There are, I concede, cases supporting the opposite conclusion, but I think they are sustained neither by the weight of authority nor by the force of logic.

Our own Constitution contains a clause similar to that quoted from the Constitution of the United States. But it is not alone, this duplicate prohibition, which in my opinion, precludes legislation of this character. The first clause of the first section of the second article of the Constitution of Georgia, is in these words, "The Legislative, Executive, and Judicial departments, shall be distinct; and each department shall be confided to a separate body of Magistracy. *No person or collection of persons, being of one department, shall exercise any power prop-*

*erly attached to either of the others; except in cases herein expressly excepted."* It is to the latter sentence I particularly refer. This investigation and determination of private rights,—the enforcement of contracts between individuals, when one of the parties refuse compliance, are clearly powers properly belonging to the Judicial department. Their exercise is invoked by suit, in court, which being instituted, is properly under the control of that department, from the filing of the petition, to the return, of final process, executed. When for the purpose of preventing wrong or oppression, or of doing full and complete justice in any case, it becomes necessary to arrest the proceeding, whether before or after judgment, this can only be done by the writ of injunction, and that issues *properly* out of chancery, which appertains, exclusively to the Judicial department. What are the rights upon which the bill under consideration acts? They are those which have been asserted by suits in courts of justice, have been there investigated and adjudicated, and which those courts are proceeding to enforce by their final processes, called executions. What action does this bill propose upon them? It does not indeed set them aside—annul them, but it suspends action under them for a specified time. What is this suspension, but an injunction of a judicial proceeding? The form of the writ used in the department to which the power properly belongs, is not observed, but the precise end is attained, the injunction is as effectually imposed, as if a writ in due form had emanated from the legitimate source.

Let us look a little more in detail into this matter. A writ called an execution issues from the Inferior Court of Baldwin County, directed to the Sheriff, commanding

him to make by levy and sale of the property of C D, one hundred dollars, which A B lately in that court recovered of him, and further, that he return that writ into court at the next term, which means, in law, that he return it executed. If the Sheriff do not make the money as required, he may, at the return term of the writ, be ruled and compelled to pay it himself, unless he can show good cause for his failure. This is the course of the law, and this its end. But suppose when so called on he should exhibit a writ, sued out of the chancery side of the Superior Court of Baldwin County, at the suit of C D, commanding him to desist from levy and sale, under that particular execution, until the further order of the court: he stands justified because he is enjoined. One branch of the Judicial department, armed by law with the power, has arrested another, and no violence is done to the Constitution. But suppose instead of exhibiting a writ of injunction from the Superior Court, he should exhibit an act of the Legislature forbidding him to execute, within a year, any *fi. fa.* issued by any court. If he be excused, on what ground? Clearly that he was enjoined. That the Judicial injunction, in the one case, was in the exercise of "a power properly attached," to the Judicial department cannot possibly be denied. Then how can it be maintained that the imposition of the legislative injunction, in the other case, would be conformable to the provision of the Constitution, I have quoted. Is it not manifest, that such legislation produces direct collision between the departments? The mandate issued by the Judicial department was in strict conformity with the laws of the State. Without repealing those laws, without permanently curtailing the powers of the courts, the legislative department simply intervenes, and forbids the ministerial officer, obeying the

Judicial mandate. It was for the express purpose of preventing such conflict, this provision was inserted in the Constitution.

There is another objection to this bill, which I cannot pass over in silence. It classifies contracts and discriminates between the classes, injuriously to one of them, or rather to the parties interested in their enforcement. Contracts made prior to the first day of June, 1865, constitute one class; those made subsequently, another. To the former only is the stay of execution, under it, applied. If separate judgments should be obtained in the month of January, 1867, the one founded on a contract entered into before the first day of June, 1865, and the other on a contract made after the last mentioned day, even though they were based upon considerations equally meritorious, the stay of this law would attach to the former, and not to the latter. I am utterly at a loss to conjecture upon what principles, consistent with equal justice, this discrimination is founded. Indeed it would seem that if any discriminations were made, it should be in favor of that class of creditors, a very large majority of whom have already been subjected to five of these Legislative injunctions, successively enacted, and so linked, as to compose a chain, extending over as many years. The elder creditor is tied up and the junior left untrammelled. Nay more, the judgment creditor of five or more years standing is arrested, whilst to the simple contract creditor of yesterday, the highway to full and complete compulsory performance is left open. It may be said that whenever a junior execution, not stayed by the proposed law, shall by levy and sale, cause money to be made, the older executions are not restrained from being interposed to claim it. But this can scarcely be

intended, for in that event, the law must fail to give the promised relief. Under any circumstances, this could only occur where there were judgments of both classes, against the same debtor, and the suggestion therefore does not relieve the measure from the alleged discrimination. Even in those cases the debtor would be under a strong temptation to apply his means to the satisfaction of the junior judgment, reserving for the senior only the annual installment, necessary to keep him in fetters, and thus, the discrimination would still operate injuriously.

I take no pleasure in the performance of this duty. Always reluctant to disagree with the General Assembly, I can truly say this disagreement is painful in the extreme. I have abundant sympathy for the suffering people of Georgia, and in the desire of the General Assembly to alleviate their sufferings. But on entering this office I took at the threshold, in presence of you all, a solemn oath to preserve, protect and defend the Constitution of the United States, and of the State of Georgia; and this I must do, as I, not as others understand those instruments. If I doubted I would give the measure the benefit of the doubt, and leave its constitutionality to the courts; but, not doubting, I must dissent as I regard my oath. Upon such subjects, men equally earnest in search of truth, and equally upright and fair, in their habits of thought, are prone to differ. Whenever such a difference occurs, it becomes each party to extend to the other the need of upright intention. I have done what I conceive to be my duty, and if after reconsideration, which I respectfully invite, a constitutional majority of the General Assembly should adhere to the measure, I shall indulge the hope that no detriment will come to

the State, either from its seemingly unequal practical operation, or from its imputed violation of the fundamental law.

CHARLES J. JENKINS, Governor.

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MONDAY, MARCH 12th, 1866.

The following message was transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 12th, 1866.

TO THE GENERAL ASSEMBLY:

No bill having yet been reported to me relative to the civil status of the freedmen, and the session being near its close, I again respectfully urge that the General Assembly do not adjourn without distinct action on this subject. We here are all agreed that free persons of color are not to be admitted to the ballot box or the jury box. But it is essential to our restoration that their capacity to contract, to sue and be sued, to hold property, to testify in the courts, should be made full and complete, that in these respects they should be placed on the footing of the citizen. If we are to get rid of military rule—and of the Freedman's Bureau—if we are to have the laws administered by our own courts, I am satisfied, by information in my possession, that these things must be done.

CHARLES J. JENKINS, Governor.



MONDAY, MARCH 12th, 1866.

(COPY)

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 12th, 1866.

\$20,000.—Sixty days after date the State of Georgia will pay to George A. Cuyler, cashier at the Central Railroad Bank in Savannah, Georgia, twenty thousand dollars in United States currency, for value received, with interest from date at 7 per cent. per annum.

To secure the payment of which I have this day delivered to the said Cuyler, seven per cent. bonds of the State of Georgia amounting to twenty-five thousand dollars, which he is hereby authorized to sell and apply the proceeds to the payment of this note at maturity; *provided*, that they shall not be sold at less than ten per cent. discount.

This by authority of an ordinance of the Convention dated 3rd November, 1865.

In witness whereof I have hereunto set my hand and Seal of office, on the day and year first above written.

(Signed) CHARLES J. JENKINS,  
Governor of Georgia.

Countersigned:

JNO. JONES, Treasurer.

THURSDAY, MARCH 22d, 1866.

A CARD.

TO GEORGIA CAPITALISTS:

A portion of the people of Georgia, in districts overrun by both armies during the late war, are suffering for lack of food, and unless speedily relieved must suffer still more, *perhaps starve*. Their more fortunate and benevolent neighbors have done much for them, but can do little more. The evidence of these facts is full and startling. The Legislature has appropriated money for their relief, but the money is not in the treasury. They have authorized the borrowing of money upon most satisfactory security, but it will require time to have the bonds and mortgage prepared and executed. And while this time runs against the sufferers, their sufferings will be terribly intensified. I am ready and anxious to act, but lack the means.

In the name of patriotism and humanity, I appeal to you to furnish them. It will be a *good pecuniary investment*, and something more—a *commendable charity*. Bring forward the money on loan for 90 or 120 days, or six months or five, or thirty years, as you prefer, with seven per cent. interest. *You will run no risk, and the hungry will do better.*

All editors friendly to the object will please give the above a few insertions, and briefly direct attention to it.

CHARLES J. JENKINS,

Governor.

MONDAY, MARCH 26th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 26th, 1866.

*Ordered,* That Major Campbell Wallace, of the County of Bartow, State of Georgia, be, and he is hereby, appointed Superintendent of the Western and Atlantic Railroad for the term of two years commencing from the first day of January, 1866, to enter forthwith upon the duties of such Superintendent, to fill the vacancy occasioned by the resignation of Col. Robert Baugh.

*Further ordered,* That a certified copy of this order under the Seal of this Department, be forwarded to the said Campbell Wallace as evidence of his title to assume the functions and duties and to exercise the powers by him incident to that position.

CHARLES J. JENKINS,

Governor.

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MARCH 29th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 29th, 1866.

*Ordered,* That Wm. W. Clayton, of the County of Fulton, State of Georgia, be, and he is hereby, appointed

Treasurer of the Western and Atlantic Railroad for the term of two years commencing from the first day of January, 1866, to enter forthwith upon the duties of such Treasurer.

*Further ordered*, That a certified copy of this order, under the Seal of this Department, be forwarded to the said Wm. W. Clayton as evidence of his title to assume the functions and duties, and to exercise the powers by him incident to that position.

CHARLES J. JENKINS,  
Governor.

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MONDAY, APRIL 2nd, 1866.

(COPY)

EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,

April 2nd, 1866.

\$1,000.00.—On the first day of January next, the State of Georgia will pay Samuel Clayton, or bearer, one thousand dollars in lawful currency of the United States, for value received, with interest from date.

This by authority of an act of the General Assembly dated 13th March, 1866.

In witness whereof I have hereunto set my hand and Seal of office, on the day and year aforesaid.

CHARLES J. JENKINS,  
Governor of Georgia.

Countersigned:

JOHN JONES, Treasurer.

TUESDAY, APRIL 3rd, 1866.

(COPY)

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 3rd, 1866.

\$10,000.—Six months after date the State of Georgia will pay to Henry Brigham, Esq., President of the Southern Insurance and Trust Company of Savannah, Georgia, or bearer, ten thousand dollars in lawful currency of the United States, for value received, with interest from date, at ten per cent. per annum.

This by authority of an ordinance of the Convention dated 3rd November, 1865.

Given under my hand and Seal of office, on the day and year first above written.

CHARLES J. JENKINS,

Governor of Georgia.

Countersigned:

JOHN JONES, Treasurer.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 3rd, 1866.

\$15,000.—Six months after date the State of Georgia will pay to Henry Brigham, Esqr., President of the Merchants National Bank of Savannah, Georgia, or bearer, fifteen thousand dollars in lawful currency of the United States, for value received, with interest from date at ten per cent. per annum. This by authority of an ordinance of the Convention dated 3rd November, 1865.

Given under my hand and Seal of office, on the day and year first above written.

CHARLES J. JENKINS,

Governor.

Countersigned:

JNO. JONES, Treasurer.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 9th, 1866.

\$20,000.—After date the State of Georgia will pay to J. C. Plant, Esqr., President of the First National Bank of Macon, or bearer, twenty thousand dollars in lawful currency of the United States, for value received, with interest from date at 7 per cent. per annum.

This by authority of an ordinance of the Convention dated 3rd November, 1865.

In witness whereof I have hereunto set my signature and Seal of office, on the day and year aforesaid.

CHARLES J. JENKINS,  
Governor of Georgia.

Countersigned:

JNO. JONES, Treasurer.

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SATURDAY, APRIL 14th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 14th, 1866.

*Ordered*, That Ira H. Taylor, of the County of Burke, State of Georgia, be, and he is hereby, appointed Auditor of the Western and Atlantic Railroad for the term of two years, commencing from the first day of January, 1866, to enter forthwith upon the duties of such Auditor.

*Further ordered*, That a certified copy of this order, under the Seal of this Department, be forwarded to the said Ira H. Taylor as evidence of his title to assume the functions and duties, and to exercise the powers to him incident to that position.

CHARLES J. JENKINS,  
Governor.

SATURDAY, APRIL 14th, 1866.

PROCLAMATION.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 14th, 1866.

Public attention has doubtless been given to Circular No. 4, issued on the 6th inst. by Brigadier General Davis Tillson, A. A. Comr. Bureau Ref. Fr'n. and Abandoned Lands, and approved by Brevet Maj.-Gen. J. M. Brannan, commanding Department of Georgia, and to General Orders No. 17 of Brevet Maj.-Gen. Brannan of the same date.

By these orders a large jurisdiction in civil and criminal cases whereto freedmen alone or freedmen and white persons may be parties heretofore denied to the State courts, is yielded to them.

As will appear in the sequel, this does not amount to positive and final withdrawal of military authority. It is unquestionably a highly satisfactory advance in the process of restoration to our former political status, which may be followed by a further advance in the same direction, or by a retrograde movement, as circumstances may indicate. It has been induced mainly by the legislation of the General Assembly relative to the status of the freedman. It will not be lost, and may be speedily pushed further if the judiciary, in courts of enquiry and in courts of record, the bench and the jury box, give effect to the letter and spirit of the laws by them enacted. In the full assurance that my fellow-citizens, official and



unofficial, who may be called upon to participate in the administration of justice, will hold the scales in perfect equilibrium as between individuals and classes.

I congratulate the people of Georgia upon this earnest of coming restoration of interior self-government. In our condition neither conscious rectitude of intention nor noisy and unbecoming professions of it will avail aught. Practical demonstrations, which incredulity itself cannot gainsay, and nothing else will work out our redemption.

It is of great importance to us that none mistake the effect of the President's recent peace proclamation, and of the orders above referred to. Our condition is certainly anomalous, and mischievous errors might result from theoretical speculation upon those documents. I therefore state as the result of official intercourse and of careful examination of previous orders and circulars, which are only modified, not withdrawn:

1st. That the agents in the several counties of the Freedman's Bureau still have jurisdiction in all cases *"between freedmen and others when the sum involved does not exceed fifty dollars, exclusive of interest. They may also take cognizance of and try all offences committed by freed people or against them, provided the punishment does not exceed a fine of fifty dollars or thirty days imprisonment at hard labor."* They are also still charged with the duty of examining and approving or disapproving labor contracts, and of assisting and protecting, by legal means, freedmen requiring such aid. Trials by strictly military commissions are dispensed with except where the accused is a soldier, or the offence charged is one against the Federal Government.

2ndly. I have high authority for saying that *"the*

*President's proclamation does not remove martial law or operate in any way upon the Freedman's Bureau in the exercise of its legitimate jurisdiction,"* though "*it is not deemed expedient to resort to military tribunals in any case where justice can be attained through the medium of civil authority.*" My impression is, that in case of military arrest by orders from Headquarters, Department of Georgia, interference of State Judges by *habeas corpus* will not be permitted. Such orders I believe will be rarely if ever issued, and I trust conflict will be avoided.

Whilst therefore, by thus communicating reliable information, I seek to guard the whole people against erroneous impressions regarding the extent to which the Federal military authority is relaxed, I respectfully call upon the civil authorities to assume and to exercise, in perfect fairness and justice, the jurisdiction clearly restored to them. Calmly and patiently pursuing our now ascending course, let our acts illustrate our title to fuller confidence and higher rights. Faithful observance of the Federal Constitution and impartial administration of the law will best vindicate intentions honestly entertained and distinctly expressed, but cautiously accredited.

CHARLES J. JENKINS,

Governor.

TUESDAY, APRIL 17th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 17th, 1866.

PROCLAMATION.

*Whereas*, the Act of the General Assembly, entitled "An Act to levy and collect a tax for the support of the government for the year 1866, and for other purposes," imposes a tax of twenty cents on every gallon of brandy, gin, whiskey or rum, sold in this State, returns of sales to be made and the tax paid quarterly beginning with the first of April.

*And Whereas*, said Act was not passed until the 3rd March, 1866, and could not be generally known before the expiration of the first quarter, whereby great hardship would befall persons selling in ignorance of such impending tax, and especially those selling on commission for non-residents.

Now, therefore, in virtue of authority in me vested by law, I, Charles J. Jenkins, Governor of the State of Georgia, do hereby suspend the collection of the tax imposed by the 12th section of said Act upon brandy, gin, whiskey and rum for the first quarter, only, including the months of January, February and March, 1866, until the next meeting of the General Assembly.

Tax Collectors will, nevertheless, require returns for

said first quarter, as though the collection of the tax had not been suspended.

Given under my hand and the Seal of the Executive Department, the day and year above mentioned.

CHARLES J. JENKINS,  
Governor.

EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,

April 19th, 1866.

Believing that the object contemplated in the third section of an Act entitled "An Act for the relief of maimed indigent soldiers and officers, citizens of this State who belonged to military organizations of this State, in the State or Confederate States armies," approved March 12th, 1866, will be best and most speedily accomplished by the appointment of surgeons residing near each other, that they may be readily convened, and having full confidence in the surgical skill of the persons hereinafter named,

*Ordered*, that Doctors L. A. Dugas, H. H. Steiner and L. D. Ford be, and they are hereby, appointed a committee to execute the third section of said Act.

CHARLES J. JENKINS,  
Governor.

MONDAY, APRIL 23rd, 1866.

## CIRCULAR.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 23rd, 1866.

Information has reached this Department that the managers of The Ladies' Southern Relief Fair, of Baltimore, in the exercise of an abounding and elevated charity, had caused to be shipped to Savannah, subject to my order, five hundred barrels, containing flour, meal and bacon, "*for distribution among our truly poor suffering white people,*" and that they "*desire that the appropriation should be so distributed as to afford the greatest relief to the greatest number of the really deserving poor and suffering women and children;*" to effect which distribution they have also appropriated the sum of two thousand dollars: And the consignees, as well as the President of the Central and Atlantic and Gulf Railroads, having generously offered to aid the enterprise by personal service, and by transportation, free of charge, (as other persons and Presidents of railroads doubtless will do), for the purpose, therefore, of distributing in Congressional Districts as the most eligible primary divisions of the State, they being organized with a view to the nearest attainable equality in population: I make and publish the following order and requests:

1st. In the name and behalf of the whole people of Georgia, and especially of the destitute and suffering, I tender most hearty thanks to the dispensers of this munificent boon, whom I would designate by a borrowed

appellation, which blends in touching association the ideas of a tender womanly relation and of a divine attribute, "SISTERS OF MERCY." Such, indeed, are these noble women of Baltimore. Heaven's blessings wait upon them.

2d. Messrs. Crane and Graybill, of Savannah, the consignees, are requested to divide the consignment into seven parts as nearly equal as possible, reference being had to the kinds and qualities of the articles composing it. And delivering one portion in Savannah, as herein-after provided, will ship one of the remaining six to each of the following points, viz.: To Oglethorpe, consigned to the Hon. Philip Cook; to Newnan, consigned to the Hon. Hugh Buchanan; to Macon, consigned to the Hon. Thomas Hardeman, Jr.; to Augusta, consigned to Porter Fleming, Esq.; to Athens, consigned to the Hon. J. A. Christie; to Atlanta, consigned to A. K. Seago, Esq.

3d. The following gentlemen, (the first named in each case acting as chairman) are requested to take charge of the several consignments for their respective Congressional Districts and act as committees of distribution therein, viz.: For the 1st district—Messrs. Solomon Cohen, John Screven and James L. Seward. For the 2nd—Messrs. Philip Cook, A. S. Cutts and D. A. Vason. For the 3d—Messrs. Hugh Buchanan, R. A. T. Ridley and J. F. Johnson. For the 4th—Messrs. E. G. Cabiness, Thos. Hardeman, Jr., and Jeremiah Beall. For the 5th—Messrs. J. D. Mathews, Samuel Barnet and Porter Fleming. For the 6th—Messrs. J. H. Christie, J. S. Gholston and Thomas Morris. For the 7th—Messrs. William T. Wofford, J. A. W. Johnson and A. K. Seago.

The consignee in each district will notify the other

members of his committee so soon as he may receive the consignment, and appoint a day for their meeting at the place of delivery.

Each committee is authorized to appoint necessary assistants and sub-agents, and will act with special reference to the declared wishes of the donors.

Bills of expenses unavoidably incurred will be presented at this office for payment.

4th. Editors, throughout the State, willing to connect themselves with this laudable charity are requested to give this order a few insertions.

5th. Let a copy of this order be forwarded to William Crighton, Esq., Baltimore, who is requested to present it to the managers of the Ladies' Southern Relief Fair as a truthful though imperfect expression of Georgia's gratitude.

Let copies be forwarded also to Messrs. Crane and Graybill, Savannah, to each member of the several committees appointed, and to each President of a railroad in Georgia.

CHARLES J. JENKINS,

Governor.

FRIDAY, APRIL 27th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

April 27, 1866.

By virtue of authority in me vested by the General Assembly of the State of Georgia to borrow money on the credit of the State, and to issue and negotiate bonds of the State; and to appoint an agent or agents to visit such place or places as he may direct, and to empower such agent to make negotiations upon such terms as the Governor of said State may direct.

Now, therefore, know all whom it may concern, that I, Charles J. Jenkins, Governor of the said State of Georgia, have nominated and appointed, and hereby do nominate and appoint, Thomas W. Chichester, of the city of Augusta, in said State, the agent and attorney in fact of the State of Georgia to visit the city of New York, and other cities of the United States, and there to negotiate for the State a loan, or loans, to the amount, in the aggregate, of half a million of dollars, to run four months, or any less time, on such terms as may be agreed upon, and as evidence of the indebtedness so incurred, to make, sign and deliver to any body corporate, partnership or individual, a note, or notes of the State of Georgia, or such other instrument of writing as may be usual in like cases, and to sign the same in my name as Governor of said State, and to hypothecate bonds of the State of Georgia, issued by authority of law, and deliver to him as collateral security for such loan or loans.



I further hereby authorize and empower the said Thomas W. Chichester to have engraved and printed bonds of the said the State of Georgia, and a mortgage on the Western and Atlantic Road as security therefor, agreeably to instructions furnished and to be furnished him, and when said bonds shall have been executed and secured, to negotiate and sell the same as he may from time to time be instructed to do.

And I hereby, as Governor as aforesaid, ratify and confirm whatsoever the said Thomas W. Chichester may do in the legitimate and proper execution of said agency.

Given under my hand and the seal of the Executive Department, the day and year above mentioned.

CHARLES J. JENKINS,

Governor.

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THURSDAY, MAY 17th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 17, 1866.

By virtue of authority vested in me by the eleventh Section of an Act of the General Assembly, approved 13th March, 1866, I, Charles J. Jenkins, Governor of the State of Georgia, have nominated and appointed, and by

these presents do nominate and appoint, Robert F. Maddox of the County of Fulton, in this State, agent of said State for the purchase of corn in such market in the United States as he may find most eligible, to be disposed of as in said Section directed, and to ship and supervise the transportation of said corn on such land or water lines of carriage as he may select, to Chattanooga, in the State of Tennessee; and for the purpose of making such purchase, to draw by his check, as agent of said State, the whole or any part of such money as may be deposited to his credit as such agent as aforesaid, in any bank in the United States of America; and to do all other acts necessary and proper to effect the purchase and transportation as aforesaid of so much corn as he may, from time to time, be by me directed to make. Hereby ratifying and confirming all things whatsoever the said agent may do in pursuance of these premises.

Given under my hand and the seal of the Executive Department, the day and year above mentioned.

CHARLES J. JENKINS,

Governor.

By the Governor,

R. L. HUNTER,

Sec'y. Ex. Dept.

MONDAY, MAY 21st, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 21, 1866.

By virtue of authority in me vested by the General Assembly of the State of Georgia, to borrow money on the credit of the State, and to issue and negotiate bonds of the State, and to appoint an agent or agents to visit such place or places as he may direct, and to empower such agent to make negotiations upon such terms as the Governor of the State may direct.

Now, therefore, Know all whom it may concern, that I, Charles J. Jenkins, Governor of the said State of Georgia, have nominated and appointed, and hereby do nominate and appoint, Thomas W. Chichester, of the city of Augusta, in said State, the agent and attorney in fact of the State of Georgia, to visit the city of New York, and other cities of the United States, and there to negotiate for the State, a loan or loans to the amount in the aggregate of half a million of dollars, to run four months, or any less time, on such terms as may be agreed upon; and as evidence of the indebtedness so incurred, to make, sign, and deliver to any body corporate, partnership or individual, a note, or notes, of the State of Georgia, or such other instrument of writing as may be usual in like cases, and to sign the same in my name as Governor of said State, and to hypothecate bonds of the State of Georgia, issued by authority of law, and delivered to him as collateral security for such loan or loans.

And I hereby, as Governor as aforesaid, ratify and

confirm whatsoever the said Thomas W. Chichester may do in the legitimate and proper execution of said agency.

Given under my hand and the seal of the Executive Department, the day and year above written.

CHARLES J. JENKINS,  
Governor.

By the Governor,

H. J. G. WILLIAMS,  
Sec'y. Ex. Dept.

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MONDAY, MAY 28th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 28, 1866.

In conformity with instructions of the General Assembly in Resolution No. 48, pg. 328, Acts of 1865 and 1866, I hereby appoint General Howell Cobb, of Macon, Major Mark A. Cooper, of Athens, and John H. Fitten, Esq., of Adairsville, "*Commissioners to examine and report upon the propriety of removing the present penitentiary and locating it elsewhere, or of establishing an additional one,*" and for other purposes, in said resolution set forth—to which the attention of said commissioners is specially directed.

CHARLES J. JENKINS,  
Governor.

MONDAY, MAY 28th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 28, 1866.

In conformity with an Act of the General Assembly of the State of Georgia, entitled "An Act to organize and establish an Orphan Home in this State," approved 17th March, 1866, (No. 232, pg. 228, of the Acts of 1865 and 1866,) I hereby appoint Messrs. William B. Johnson of Macon, Richard Peters of Atlanta and Henry Hull, Jr., of Athens, under the second Section thereof.

And I further appoint, as Trustees of "*The Georgia State Orphan Home*," under the third Section of said Act, the Rev. H. H. Tucker of Atlanta, Rev. Wm. H. Potter of Augusta, Rev. William Flinn of Milledgeville, Rev. Wm. C. Williams of Rome and Messrs. Warren Aiken of Bartow County, James Gardner of Richmond County, James M. Chambers of Muscogee County, John W. Anderson of Savannah and Junius Wingfield of Eatonton.

Said appointees will govern themselves by the provisions of said Act, the first named of each board acting as chairman, with authority to convene his body until their first meeting and organization.

CHARLES J. JENKINS,

Governor.

WEDNESDAY, AUGUST 15th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

August 15, 1866.

Ordered, That William H. Scott and Peter Fair be, and they are hereby appointed a committee under the thirty-sixth Section (36th) of the General Appropriation Act to witness and superintend the burning of Confederate Treasury Notes, State Treasury Notes and Change Bills and other un-current notes that may be in the Treasury at the time of said burning.

CHARLES J. JENKINS,

Governor.

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MONDAY, SEPTEMBER 17th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 17, 1866.

The contingency upon which the Governor was authorized by an Act of the General Assembly, approved 12th March, 1866, "to arrest the collection of so much of the State tax as is levied on lands in the State," viz.: the enforcement by the United States' Government of the land tax against the people of Georgia, not having

occurred by reason of the suspension of the latter tax, and the property returned this year for taxation "ad valorem," being about one hundred and sixty millions of dollars less than that returned in 1860, (exclusive of slaves) it is

Ordered, in pursuance of the first Section of an Act entitled, "An Act to levy and collect a tax for the support of the government for the year 1866, and for other purposes," (approved 3d March, 1866,) that a tax of one-sixth of one per cent. be assessed and collected on the property returned, exclusive of specific taxes.

CHARLES J. JENKINS,

Governor.

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THURSDAY, SEPTEMBER 20th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 20th, 1866.

The report of the Committee of Scientific Surgeons appointed to examine samples of artificial limbs submitted to their inspection by different manufacturers having been received, the contract is awarded to Dr. Douglass Bly for his army and navy leg and for his Keoller arm as the lowest bidder, "taking into consideration quality as well as price," in the language of the Act. And the said Douglass Bly having executed a contract, which is of file in this office, to manufacture said

limbs in the city of Macon, parties having procured the necessary certificate as provided in Sections second and third of said Act, (which may be seen by calling on the Ordinary,) may apply to the contractor and be supplied. Parties applying are enjoined to strict compliance with the Act. Dr. Bly requests that the Ordinaries communicate to him, at Macon, the name and address of each person to whom they may issue a certificate.

CHARLES J. JENKINS,

Governor.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

*Memorandum* of an agreement entered into between Douglass Bly, M. D., manufacturer of artificial limbs, and Charles J. Jenkins, Governor of the State of Georgia.

Whereas, by Act of the General Assembly, approved 12th March, 1866, entitled, "An Act for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to military organizations of this State in the State or Confederate Armies," the Governor of this State was authorized to call for proposals for the manufacture of artificial limbs for the purpose above recited: And Whereas, the said Douglass Bly, M. D., is the lowest bidder "taking into consideration as well quality as price."

Now, therefore, it is covenanted and agreed, by and between the parties aforesaid, as follows:



The said Douglass Bly on his part agrees and covenants to manufacture and deliver at *Macon*, in said State, within twelve months from the date of these presents, artificial legs or arms, as the case may be, for such disabled or maimed citizens of this State as may present to him the order of the Comptroller-General, John T. Burns, as provided in Section 3d of said Act, and in the order of the presentation, and to fit and adjust said limbs to said applicants, the arms to be of the Koeller patent, and the legs to be of the description known as Bly's Army and Navy leg, and each corresponding with the samples exhibited to Drs. Dugas, Steiner and Ford, the examining committee, and now deposited in the Executive Office, and to be made of the best materials and in the most skillful and workmanlike manner. And the said Douglass Bly further covenants and agrees and guarantees that every limb manufactured under this contract shall be serviceable, and that he will repair, free of charge, all injuries to any limb resulting from defective material or workmanship, of which an inspector, to be appointed as the Legislature may direct, shall be the judge, and will furnish a new socket for each limb whenever it may become necessary from a shrinking of the mutilated limb on which it is worn, for the sum of twenty-five dollars, and will, in all respects, conform to the provisions and requirements of said Act; and further that should the Legislature deem it proper to appoint an inspector of limbs, each limb shall be submitted to and approved by him before delivery.

And the said Douglass Bly further covenants and agrees, that he will receive as a consideration for each leg so furnished, the sum of seventy dollars (\$70.00) for each arm, where the amputation is above the elbow, the

sum of seventy dollars (\$70.00), and for each arm where the amputation is below the elbow, the sum of forty dollars (\$40.00), to be paid as provided in the fourth Section of the Act aforesaid: And further, that when he shall have furnished limbs of both kinds the aggregate cost of which, at the prices above mentioned, is twenty thousand dollars (\$20,000.00) he will so report to the said Charles J. Jenkins, Governor, or his successor, and proceed no further without express order from said Governor or his successor. And the said Charles J. Jenkins, Governor as aforesaid, on the part and behalf of the State of Georgia, agrees and covenants that for each limb so furnished and delivered in conformity with this contract and with the Act aforesaid, the said Douglass Bly shall receive, at the treasury, the consideration above stipulated, as provided in the fourth Section of said Act.

In testimony whereof, the said Douglass Bly hath hereunto set his hand and seal, and the said Charles J. Jenkins his official signature and the seal of the Executive Department, in duplicate, this 20th day of September, 1866.

(Signed) DOUGLASS BLY, (Seal)

(Signed) CHARLES J. JENKINS,

Governor.

By order of the Governor,

RICHARD L. HUNTER,

Sec'y. Ex. Dept.

TUESDAY, SEPTEMBER 25th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 25, 1866.

*Ordered,* That all maimed soldiers entitled to artificial limbs under the Act of the General Assembly, be allowed to travel free of charge over the Western and Atlantic Railroad in going to and returning from the place of manufacture on that business, upon procuring the certificate of the Ordinaries that they are so entitled.

CHARLES J. JENKINS,

Governor.

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FRIDAY, SEPTEMBER 28th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 28, 1866.

*Ordered,* That Bushrod W. Frobel, engineer in the service of the State of Georgia be, and he is hereby authorized and empowered to contract in behalf of said State, with the Justices of the Inferior Court of Baldwin County for the building of a bridge across the Oconee River at Milledgeville on terms already approved by me,

for the purpose of giving employment to freedmen sentenced to work in chain gang and delivered to me by the Justices of the Inferior Court of divers counties.

CHARLES J. JENKINS,

Governor.

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MONDAY, OCTOBER 1st, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

October 1st, 1866.

In the matter of internal revenue tax heretofore demanded and collected by the collector for the 4th district of Georgia from the Superintendent of the Western and Atlantic Railroad upon the gross monthly receipts of said road, the judge of the United States District Court for the Northern District of Georgia having decided that said tax was illegally assessed and collected, and having enjoined the collection of the same, it is

Ordered, that Campbell Wallace, Superintendent of said railroad, forthwith petition the Secretary of the Treasury to refund said tax so illegally collected.

CHARLES J. JENKINS,

Governor.

SATURDAY, OCTOBER 13th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

October 13th, 1866.

In conformity with an Act of the General Assembly, approved March 12th, 1866, numbered 10, it is ordered:

1st. That all bonds and coupons of the State of Georgia now due, and which were not issued in aid of the late war, wheresoever made payable, may be funded on presentation at the treasury of the State in mortgage bonds of the State bearing 7 per cent. interest from the 1st day of July, 1866, that being the day of their date.

2d. That all coupons payable in New York or in London, now due, and embraced in descriptive list furnished the agency by the Treasurer, may be funded in bonds described above on presentation at the National Bank of the Republic, New York.

3d. That all coupons funded in New York be marked "*Paid*", and returned to the treasury with a descriptive list of bonds issued in funding them.

4th. That the Treasurer endorse, or cause to be endorsed, on each bond refunded, the name of the person presenting it, and that a registry of all bonds issued in the funding process be kept in the Treasurer's office.

5th. No interest is allowed on bonds or coupons after maturity.

CHARLES J. JENKINS,

Governor.

THURSDAY, NOVEMBER 1st, 1866.

The following Annual Message of His Excellency, Charles J. Jenkins, was this day transmitted to the General Assembly, to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 1st, 1866.

Senators and Representatives: Although, during the year now drawing to a close, the seasons have been unpropitious to the husbandman, trade disappointing to the merchant, and the signs of the times discouraging to the patriot, blessings, not wholly "in disguise," have come to all. The true believer recognizes the hand of an overruling Providence as well in seeming evil as in positive good.

It becomes all men, of every age and clime, to accept adversity as merited chastisement, and to propitiate offended Deity by repentance and reform.

#### FEDERAL RELATIONS.

Since your last adjournment, little progress has been made either in the reconstruction of a dismembered government, or in the restoration of material prosperity to that portion of the country desolated by recent Civil War. However produced, the fact is indisputable, that the government of the United States this day stands before the civilized world in the lamentable condition of dismemberment. Four of the thirteen States that originally took part in the formation of the Union, and

six that have been added in the progress of a marvelous development, are now totally excluded from participation in its legislative and administrative functions. It is true that the now excluded States did voluntarily abandon such participation, by what was designed as a peaceful and permanent withdrawal; but the right so to do was denied to them, and upon that question of right the war ensued. The party denying the existence of the right, maintained that the Union was indissoluble by such means, that it still existed in full force, and nothing more was necessary than the suppression of irregular resistance to its authority. That resistance having been suppressed, after a struggle of five years' continuance—the resistants having grounded their arms—submitted in word and act to the authorities of the United States—rescinded all Constitutions, ordinances, laws and resolutions asserting independence of, or antagonism to that government—declared its constitution their supreme law, and elected Senators and Representatives to the Federal Congress—the logical conclusion from the premises of the victors is, and the practical result should be, that the attempt has failed and that the Union stands unshaken. All that the resistants may have done towards dismemberment, they have undone. The temporary breach they made, they have repaired. Why, then, are they not in the Union as formerly? The answer is, that the dominant States, through their representatives in Congress, positively refuse their admission to the national councils, and the conclusion is inevitable, that from this refusal the present dismemberment results. Reasoning upon their own theory, if the Southern States be not now within the pale of the Union, they have been ejected by this Congress. If they be, their Constitutional right of representation is denied them by the same authority.

The President of the United States, second to none in devotion to the Union, though placed during the war, by the intensity of that feeling, in opposition to his native section, consistently illustrates it in restored peace. He distinctly affirms the right of the Southern States to representation in Congress; and, for this adherence to principle, has been abandoned and denounced by those who placed him in power. The Legislative and executive departments of the government are thus brought into conflict, seemingly irreconcilable and daily increasing in bitterness.

The people, too, of the dominant States now wielding the whole power of the government, are themselves divided; and we, the excluded, against whom they recently presented the unbroken front of relentless war, though now passive and unresisting, have suddenly become to them an apple of discord. In this contest, our position, our motives, and our purposes are severely scrutinized. These are all flagrantly misrepresented by unscrupulous demagogues, and many, very many, well meaning persons are undoubtedly deceived by them.

The pending issue may not find a very early solution. Meantime, we pass through an ordeal thoroughly adapted "*to try men's souls.*" But we must be true to ourselves, to those, who, though not of us, are fighting our battles, and to the country; we must steadily and calmly pursue the course upon which we have started, neither betrayed into error by false representations of the malignant and consequent injurious suspicions of the credulous; nor yielding to humiliating demands, against which justice exclaims and manhood revolts. Pursuing this course, we shall, in time, live down both detraction and delusion,



and achieve a moral victory far more enduring and ennobling than any triumph of mere physical force.

PROPOSED AMENDMENT OF THE CONSTITUTION.

As germane to the subject already discussed, I call your attention to another proposed amendment of the Constitution of the United States, transmitted to me by the Secretary of State, and accompanying this communication. The fact that your action upon it is thus invoked, imposes on you an obligation to consider it respectfully.

This amendment, designed, like all of recent origin, to operate especially on the Southern States, contains several Sections, to some of which I invite special attention.

1. The prominent feature of the first is, that it settles definitely the right of citizenship in the several States, as political communities, thereby depriving them in the future of all discretionary power over the subject within their respective limits, and with reference to their State governments proper. It makes all persons of color, born in the United States, citizens.

2. The second changes the basis of representation in the popular branch of the Congress and in Presidential electoral colleges. It provides that, in apportioning representation among the States, all persons (except Indians not taxed) shall be taken into the enumeration, unless the elective franchise be denied in any State to any male inhabitants, being citizens of the United States, and twenty-one years of age, or be in any manner abridged (otherwise than as a punishment for crime,) in which event the representation shall be proportionally reduced.

Whether the object in proposing this change be the

extension of the elective franchise to persons of African descent, (nearly all of whom are notoriously unqualified for it,) or a further diminution of the already relatively small weight of the Southern States in the administration of the government, the adoption of this amendment will certainly force upon them a choice between those evils. If the former be the real object, the latter alternative must be regarded simply as a penalty for refusing it. In this view, it is not difficult to expose the flagrant injustice of the proposition. Let us consider briefly how the amendment will affect States wherein slavery did not exist prior to the war, and how those wherein it existed. In the former class, the selection of the one or the other alternative will be only a matter of taste, no great public interest being involved. If the franchise be extended, the number thus newly admitted to the ballot will be so small that no appreciable effect upon popular elections can result. If refused, the number excluded from the enumeration in fixing the ratio of representation will still be so small, that the consequent reduction would not be seriously felt, and in some instances would probably be merely fractional, producing no curtailment at all. Now, look to the other class of States. There the number of voters proposed to be enfranchised, and wholly unprepared for the trust would be immense, and the disturbance in the motive power of republican machinery incalculable. There, too, on the other hand, if the franchise be withheld, the reduction of representation would be vast. Is there fairness, is there justice in a proposed change so differently affecting different portions of a country, united under a common government for the common weal? Would the enforcement of such a change by a majority, it could not harm, upon a minority it must ruin, bespeak magnanimity?

It may be said in reply, that the Constitution does not respect sectional differences—that it was designed for the protection and advancement of personal rights. To a large extent this is an egregious error. The Union was originally designed mainly for the conduct of foreign affairs and common defense, leaving to the States the regulation of their domestic concerns. The Constitution resulted from a compromise of sectional interests, without which it could not have been formed. Indeed, in that compromise, the rights and interests of the Caucasian as affected by the presence of a very large African population in some of the States, were considered and adjusted. The African element, whether bond or free, was computed alike with reference to this identical subject of representation, and alike ignored regarding the elective franchise.

The objection now urged against the amendment is, that it will fall upon citizens inhabiting one latitude like an avalanche from its mountain perch, crushing where it settles; whilst upon those of another latitude it will alight unfelt like a feather floating in still air.

3. The third Section engrafts upon the fundamental law a new disqualification for office, State and Federal—a disqualification not the result of any act to be done after the adoption of the amendment, but consummated before its conception. The act entailing disqualification for office consists in having heretofore taken an oath to support the Constitution of the United States, and having thereafter engaged in rebellion or insurrection against the same, or “having given aid and comfort to the enemies thereof.” Considering the number of our citizens who have taken the oath under the circumstances set forth, the number personally engaged in the war, and the

breadth of ground covered by the words "*giving aid and comfort to the enemies thereof*," we can readily perceive the sweeping character of the disqualification. It is as distinctly proscriptive as if the persons to be affected had been ascertained and their names inserted.

Let it be noted, also, that the proscribed are all dwellers on one side of a certain geographical line, whilst the authors of the proscription have their local habitation on the other side.

It is quite remarkable, moreover, that there is in the entire Section no saving clause in favor of those who, in the interval between the cessation of hostilities and the adoption of the amendment, may have received the amnesty of the government. Pardoned they may have been, but disfranchised they will be.

You are asked to give your consent that such a fate be visited upon many of your best citizens, who have long enjoyed the public confidence, and some of whom now fill important public trusts. Can Georgia spare all of these from her service?

5. The fifth and last Section empowers the Congress "to enforce, by appropriate legislation," the provisions of the amendment. It will be contended that they are the proper judges of what constitutes appropriate legislation. If, therefore, the amendment be adopted, and a fractional Congress, from which the Southern States, chiefly interested in it, are excluded, be empowered "to enforce it by *appropriate legislation*," what vestige of hope remains to the people of those States? Nay, more, what semblance of republican government can the true patriot of the North discern in such a state of affairs? Yet, that is the point to which we seem to be drifting;

for there is no assurance whatever that even this concession will ensure our restoration. Amendments have already been proposed to and accepted by us, which it was believed would effect that result; but hope is still deferred, right still denied.

I will not further analyze this amendment, equally novel and unjust.

I ask you to consider, however, why it is that you are called upon to vote upon its adoption, whilst your State had no voice in its preparation? The Constitution secures to the States the one right as distinctly and as positively as the other. Had your Representatives, and those of other States similarly situated, been present, aiding in giving substance and form to it, possibly it might have come before you a less odious thing. The policy seems to have been, *first* to push it, without their participation, beyond the stage of amendment, and then say to them, accept our bantling or take the consequences. The omission of any material part of the process of amendment, makes the amendment itself, *unconstitutional, null and void*.

Should the States especially to be affected by this amendment refuse their assent to it, it can not be adopted without excluding them from the count and placing its ratification upon the votes of three-fourths of the now dominant States.

It is said, however, that unless this concession be made, the now excluded States will be kept out of the halls of Congress indefinitely. Were the amendment presented with such menace distinctly expressed, a higher motive (if possible) than any hitherto suggested would prompt its rejection.

At the termination of hostilities, it was right and proper that the previously resisting States should, in the most unequivocal and formal manner, abandon such resistance—should rescind all they had done in antagonism to, and do whatever was necessary and proper to place themselves in Constitutional relation with, that government. All this, we believe, Georgia has done. Beyond this, in acting upon any proposed change in the fundamental law, even in this critical juncture, my advice is, that her legislators act with the same intelligent judgment and the same unflinching firmness, that they would have exercised in the past, or would exercise in the future, when in full connection and unambiguous position. Any other rule of action may involve sacrifices of interest and of principle which magnanimity would not exact and self-respect could not make.

To submit to injurious changes in the Constitution, when forced upon a State, according to the forms prescribed for its amendment, would be one thing; to participate in making them, under duress, against her sense of right and justice, would be a very different thing. The difference, in principle, is as broad as that which distinguishes martyrdom from suicide. Far better calmly await a returning sense of justice, and a consequent reflux of the tide now running strongly against us.

The military rule to which, as a people, we have been subjected during the past eighteen months, so different from all previous experience, must necessarily be more or less prejudicial to our interests and wounding to our feelings. You are well aware, however, that it has been greatly mitigated during your recess. The administration, I think, have become thoroughly convinced that the

sword and the bayonet are not necessary to the enforcement of law and order in Georgia.

We probably have not now a larger military force within our borders than have often been stationed here in times of perfect peace. Our people, with rare exceptions, such as occur everywhere, have been quiet, orderly, and devoted to industrial pursuits. The officers of the army and agents of the Freedman's Bureau, stationed among us, have, with few exceptions, manifested a growing confidence and a disposition to relax their authority and leave the administration of the law to the civil courts. Vexatious interferences sometimes occur, usually traceable to imprudent conduct on the part of misguided citizens, or to the officious intermeddling of injudicious or evil-disposed subordinates. Due allowance being made for honest differences of opinion upon questions arising in a novel state of affairs, the President and heads of departments have manifested a gratifying determination to deal justly and kindly with our government and people. With a view to the adjustment of some points of difference, the more rapid restoration of mail facilities, and the procuring of action upon the application of our citizens for amnesty in which they naturally felt great anxiety, I made a short visit to Washington, and had abundant reason to be gratified by the kindness shown towards our people in word and in act.

#### FINANCES, STATE DEBT AND TAXATION.

You are fully aware of the difficulties that have beset the fiscal operations of the government during the past year. There has been no relaxation of the pressure upon the treasury since I came into office. Empty when the process of reorganizing the State government commenced,

and the ordinary sources of supply suspended, it has been called upon to meet large arrearages for the year 1865, demands originating anterior to that year, the expenses of the provisional government, (except the salary of the incumbent of this office,) expenses of the convention of 1865, those of the reorganized government, repairs and refitting of the Western and Atlantic Railroad, the supply of corn for the destitute, and other appropriations made at the late session of the General Assembly. As was anticipated and provided for, these heavy demands could only be discharged by recourse to the credit of the State.

The authority given me at your last session to raise money by sale of the bonds of the State has been partially executed. After careful consideration and advisement with those more versed in financial affairs than myself, I determined, in the exercise of the discretion reposed in me, to issue bonds with the ample security afforded by a mortgage of the Western and Atlantic Railroad. The delay incident to the preparation of these bonds, and the annexation of the mortgage security, rendered a resort to temporary loans necessary.

A very liberal spirit was manifested by moneyed corporations and by individuals of our own State; but in this time of prostration, barely enough could be realized from these sources to defray ordinary expenses and pressing arrearages. To obtain the means of purchasing corn for the destitute, and making repairs upon the Western and Atlantic Railroad, it was found necessary to resort to localities where money was more abundant and States and individuals less needy. In New York, the great commercial emporium of the country, the required relief was found. Loans for four and three months were



negotiated at the rate of seven per cent. per annum. Only in two or three instances, (within the State) for small amounts comparatively, when there remained no other resource to meet the expenses of your last session, rapidly drawing to a close, was more than seven per cent. paid for these temporary loans. All of the short loans thus far negotiated by myself, and all negotiated by the Provisional Governor, that have matured, have been paid in full. The immature loans contracted by him amount, in the aggregate, to fifty-three thousand, three hundred and thirty-three and one-third dollars, payable in gold or its equivalent in currency. I found the indications clear and cheering that, notwithstanding the great diminution of the material wealth subject to her taxation, her bitter experiences, and her present prostration, our good old State enjoys an honorable and enviable credit. I entertain not a shadow of doubt that, if permitted to enter the money market upon her own merits—the ban of the Federal government, which beclouds her future, removed—her securities would command more than par in the present circulating medium. Notwithstanding the palpable depression resulting from this cause, (purely political,) I look with confidence to their appreciation, and therefore have avoided, as far as possible, precipitancy in the sale of them. It seemed to be a foregone conclusion, at the money center, that Georgia bonds would be well sold at eighty-five in the hundred, and so it was announced to me. The prompt and decided rejection of all offers below ninety in the hundred speedily brought them to that point, at which, however, no larger amount than pressing necessity required, was sold.

The bonds authorized by the Convention of 1865—amounting to \$500,000 and limited in time to five years—

were not well received by capitalists. The time was too short to invite permanent investment, and for that reason unsuited to speculation. The Provisional Governor effected sales of them only to the amount of \$30,000.00. But this difficulty was overcome in a great measure by incorporating in them a provision making them convertible, at the option of the holder, into such bonds, on longer time, as the General Assembly might authorize. The 5th Section of the Act on this subject, approved 12th March, 1866, placing the bonds authorized by the convention, in all respects, on the same footing with those provided for in the preceding Sections, fully sustained this expedient. Very cheaply prepared, in a style and with material corresponding to the short existence intended for them, they aided the treasury materially whilst more available bonds were in preparation. Looking to the substitution of the latter for the former at an early day, I caused bonds to be prepared conforming to the provisions of the Act above referred to, as follows:

Under the ordinance of the convention as qualified by the Act of the Legislature—	\$ 500,000.00
Under the 1st Section of the Act—	1,500,000.00
Under the 7th Section to provide for pay- ment of the Federal tax—	600,000.00
Under 8th Section to fund past due bonds and coupons, —	830,000.00
Under 11th Section appropriation Act to purchase corn for the destitute—	200,000.00
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	\$3,630,000.00

The assumption of the Federal tax not having been permitted, and its suspension having dispensed with the necessity for such assumption, the bonds designed for

this purpose, though engraved, have not been executed, and are deposited in the treasury. Being covered, however, by the mortgage on the Western and Atlantic Railroad, the General Assembly may, in perfectly good faith, if deemed advisable, order them executed and issued for any other purpose and without additional expense.

No bonds have been sold at a lower price than ninety cents in the dollar, and very few above it. The Treasurer's report will advise you of the amount sold and the proceeds. It will be necessary to dispose of the entire amount authorized and prepared for sale, whenever a fair price can be obtained; but arrangements have been made which, without increased cost to the State, will obviate the necessity of forced sales below their real market value. The sales not having been completed and the bills for material and work in preparation of the bonds not having been rendered, the expense attending this particular service can not now be stated.

Evidence having transpired that there are extant, bonds of the State not registered in the Treasurer's office, and of exceedingly doubtful genuineness—and one having been presented for refunding which matured several years since and is marked paid on the registry—it has been deemed necessary to proceed with great caution in the process of funding. All bonds past due are required to be presented for that purpose at the Treasury, and any coupons past due wherever payable may be funded there. Coupons payable in New York or in London, are fundable in the former city, but all others, only at the treasury. That business is now in progress at both points.

The amount of bonds authorized to be issued for this

specific purpose is \$830,550. Of this amount \$234,000, it was estimated, would be required to refund past due bonds, leaving to be applied to interest due, the sum of \$595,550. The precise amount of past due coupons, then reported to the General Assembly was \$596,000, which added to the amount of past due bonds made an aggregate of \$830,000—showing clearly in my opinion that the General Assembly intended to provide for no interest other than was evidenced by past due coupons. In this view no provision was made for the payment of interest accruing on past due bonds, after their maturity. I know not whether this omission was or was not intentional. It is very true that, under ordinary circumstances, if the holder of such a security fail to present it at maturity for payment, he is held not entitled to interest. This rule has been applied by sundry corporations, private and public, to bonds maturing during the war. I submit to the consideration of the General Assembly, whether such application, under the circumstances, is just and equitable. It is very certain that after Confederate and State Treasury notes had filled up the channels of circulation, the presentation of such bonds for payment in the medium contracted for would have been an idle ceremony. No less certain is it that the holders of many of these bonds were cut off from access to the place of payment by the existing war, and therefore could not make demand. I recommend as more consistent with the honor and dignity of the State that provision be made for the payment of this interest.

Evidence having been presented to this department, that since the last payment by the State on its subscription to the stock of the Atlantic and Gulf Railroad, additional installments have been paid in by the private

stockholders, which by the terms of the Act incorporating the company, approved 27th February, 1856, subjected the State to the payment of \$134,500 on her subscription, I have, in obedience to that Act, caused to be executed and delivered to the company, bonds of the State for that sum.

When all of the bonds authorized by the Act of the General Assembly, approved 12th March, 1866, (except those intended for the assumption of the Federal tax,) shall have been disposed of as contemplated, the funded debt of the State will stand thus:

Bonds issued anterior to 1861, and not yet due, -----	\$ 2,676,500.00
Mortgage bonds issued in 1866, above men- tioned, -----	3,030,000.00
Bonds issued to the Atlantic and Gulf Rail- road in 1866-----	134,500.00
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Total, -----	\$ 5,841,000.00

Of this amount \$176,500 will mature in 1868; \$334,500 in 1869; \$164,500 in 1870—making a total of \$675,500. The latter sum, therefore, must be provided for within four years from this time. I recommend that the bonds before mentioned, prepared to meet the Federal tax, but as yet unexecuted, be placed at the disposal of the Governor, with authority to use them as occasion may be presented by sale or exchange if deemed advisable, in redemption of the bonds to mature in and before the year 1870. The public debt will not thus be increased in amount and may be somewhat diminished.

Bonds amounting to \$154,000 will mature in 1871, and

others amounting to \$721,500 in 1872, the aggregate being \$875,500 to be provided for in six years.

To meet this and subsequently accruing liabilities I recommend that the sum of one hundred and twenty thousand dollars be annually set apart as a sinking fund accumulative.

If the first class of bonds (to mature within four years,) be provided for in the manner suggested, and the sinking fund proposed be allowed to accumulate until 1872, at 6 per cent. interest, it will be adequate to the payment of the bonds maturing in 1871 and 1872. But, if in the then existing financial condition of the State, it should be deemed advisable by your successors to meet the liabilities of 1871 and 1872 by sale of the State's stock in the Atlantic and Gulf Railroad, or by applying any other resource available at that time, and permit the sinking fund to go on accumulating, the entire debt of the State may, in the progress of time, be easily provided for, and her credit maintained. In urging you to look thus far into the future, and to provide means or initiate a policy for the accomplishment of ends so desirable, I think I but present a case of clear duty. It is true, that during the immaturity of State securities, if the annually accruing interest be faithfully paid, the holders have no legal right to ask more. But I would press upon your adoption the scheme of a sinking fund, as one of the surest props to State credit, and as an act of justice to posterity; and for these reasons, as a great measure of State policy. Its great advantage is, that it distributes the burthen of payment equally over a series of years; and, indeed, the sum to be provided in each year will be so small, as scarcely to merit the appellation of a burthen. Whensoever a large amount shall mature

in any one year, without such provision, either the tax payers of that year must be oppressively burthened, or a new debt must be incurred. Should this occur when money is scarce, it may be difficult, if not impracticable, to place a new loan, thus bring the General Assembly face to face with the alternative of oppressive taxation or dishonor of the State's obligations. The escape from this dilemma, now proposed, is so easy, that I think it will commend itself to the favorable consideration of the General Assembly. The debt of the United States Government is so large, and her credit sustained by resources so ample, that her outstanding securities will always afford facilities for the investment of the sinking fund and its accumulating interest.

I reiterate the conviction expressed in my first message to you, that the Western and Atlantic Railroad, put in a condition of thorough repair, and furnished with adequate rolling stock, will in the future, with proper management, sustain itself and yield a revenue, which, increased by dividends that may reasonably be expected from the Atlantic and Gulf Railroad, will always render unnecessary, onerous taxation.

The reports of the Treasurer and Comptroller-General will furnish you detailed information relative to the finances of the State, and with statistical information of an interesting character. I commend to your serious consideration the suggestions of the latter in reference to amendments of the revenue laws.

The collection of the Federal tax upon lands having been suspended before much progress had been made, I did not feel authorized to suspend that imposed for the support of the State government. I regret exceedingly

that any portion of our fellow-citizens should have been required to pay the Federal tax, but not believing that your legislation contemplated *partial* suspension of the State tax, I could not come to their relief. The State tax, *ad valorem*, is very light, being only one-sixth of one cent.

The tax upon the sale of spirituous liquors seemed by its terms to embrace the first quarter of the present year, which had nearly expired before the tax was imposed. Being retroactive, the seller was deprived of the opportunity to add the tax to the price, in his sales. Besides, many merchants had during that quarter sold the article for non-residents, on commission, and made final settlements with the owners. Had the tax been exacted of them, it would have exceeded largely their commissions, and subjected them to serious loss, without fault on their part. For these reasons I suspended the tax for the first quarter, and now invite your attention to it.

The people of Georgia have always been lightly taxed, and I see no indications that the State government will be constrained to make this burthen onerous in the future.

#### EDUCATION.

The re-opening of the university, after an unavoidable suspension, has elicited the most satisfactory evidence of public approval. Many of its most ardent friends entertained the apprehension that causes connected with the war recently terminated, and chief among them the utter impoverishment of some, and the straitened circumstances of others, formerly both able and willing to educate their sons, would occasion such diminution of patronage as would render the effort abortive. The re-



sult has been far otherwise. The number of applicants for admission, very respectable at first, has rapidly increased, and is still increasing. There are now matriculated considerably more than one hundred. It offers to the people of Georgia very great educational advantages, whilst the tone of moral and religious opinion and feeling is decidedly high, without the slightest taint of sectarian bias.

We live in an age when educated mind must take a leading part in affairs of State. Any people neglecting to provide either elementary education for the mass, or to afford facilities for obtaining such higher and more extended knowledge as will enable their youth, passing into manhood, to master in due time difficult problems in political economy and in State policy, will assuredly fall behind in the competition of States and nations for superior development.

Prejudices which in former times found voice in our legislative assemblies against liberal education, we may well hope, have been dissipated by experience. Georgia has profited too much by the services of her educated sons, in all departments of public employment, not to see clearly how largely her future prosperity and greatness depend upon the enlightenment of the rising generation. The third clause of the fifth Section, second Article of the Constitution, clearly indicates that, in the opinion of the convention of 1865 the present endowment of the University of Georgia is inadequate to its necessities. Mindful of the serious losses our people have recently sustained, and the temporary depression of their material interests, I forbear urging you at this time to increase the endowment. My object in adverting to the subject now is to congratulate you and your constituents

upon the good use which is being made of the limited aid heretofore and still extended to this venerable institution, and to ask that her past and present usefulness be accepted as an earnest of the fruit that may be anticipated from a larger endowment in more prosperous times.

There is, however, a measure by which the usefulness of the university may be greatly increased, and a great public trust, now devolved upon the General Assembly, judiciously executed, without imposing any burden upon our impoverished people. A large extent of public lands belonging to the United States has been, by an Act of Congress, devoted to the establishment of agricultural colleges in the several States. At your last session you accepted, for the purpose indicated, such land as might be allotted to Georgia under that Act, and your acceptance has been communicated to that government. This resource can be applied to no other purpose whatever, and the question arises how it can be most advantageously employed for that. If a separate independent institution be established, much expense must be incurred, which might be saved by making it an appendage of your university. The term *university* is expressive of the idea of divers schools and colleges, each devoted to some particular branch of science, and all united under one general government, and constituting a grand seminary of learning. This was the object contemplated in the establishment of the University of Georgia, though the means for its full development have never been furnished. There are now connected with it, quite apart from the ordinary collegiate course, a school of civil engineering, a law school, and a department of agricultural chemistry. As the university is a State institution, and as the agricultural college must also be under State management, I

respectfully recommend that the latter be organized as a distinct department of learning in the former, care being taken that the specific endowment now referred to be devoted exclusively to the maintenance of that department.

#### COMMON SCHOOLS.

There is no subject demanding your attention, of greater importance to the State, than that of common school education.

In so large a population, there must always be a considerable number, to whom, without government aid, even elementary education must ever remain forbidden fruit. If these be regarded simply in their individuality, their destitution of mental culture must appeal strongly to the sympathies of their more fortunate fellow-citizens. But the interest in the subject rises immeasurably when they are looked upon as future members of the body politic, under a Constitution, extending general suffrage to male citizens.

A conscientious man, wholly uneducated, always feels much embarrassment in choosing between rival candidates for popular suffrage, and whatever be his natural endowments, and however prominent his virtues, is conscious of his own want of qualification for public service. No plainer proposition can be stated than that a people who govern, ought to be an intelligent people.

Experience has shown that it is difficult to organize and keep in successful operation, a system of common school education where the population is sparse. But the difficulty should not discourage effort. Persistent trial will expose errors and suggest remedies. Even our

imperfect system, has, like all other useful enterprises, suffered suspension. I remarked with pleasure, that at your last session, you had raised from your own bodies a joint committee to consider, during your recess, and on your re-assembling, to report upon this great subject. Relying upon their fidelity and ability, as your own chosen depositaries of so grave a trust, I venture upon no suggestions as to details.

It will, of course, occur to you, and will doubtless have commanded the attention of your committee, that the sources whence the fund for this purpose was derived, have almost entirely failed. The bank stocks owned by the State, and applied to this object, have been lost. The Western and Atlantic Railroad has yielded no revenue within the past two and a half years—and in all probability, until it shall have thrown off the war-imposed burdens, can do little or nothing for this cause. Its revenues are now pledged to the payment of interest on, a sinking fund for the public debt, necessarily considerably increased within the past financial year. Notwithstanding all these difficulties, I respectfully suggest that attention to, and provision for, this public interest, does not admit of delay. I doubt not that your constituents will cheerfully bear, even now, such contributions as may be demanded of them to foster it.

#### THE WESTERN AND ATLANTIC RAILROAD.

I transmit herewith a copy of the report of the Superintendent of the Western and Atlantic Railroad, accompanied by reports to him of subordinate officers, and sundry tabular statements.\*

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\*Not found.

From a careful perusal of these documents, not only general results, but detailed information relative to the different branches of service, and a clear insight into the general management of this important interest, may be readily obtained. The very great improvement made since the road passed under the management of the present superintendent, in the track itself, in the motive power and other rolling stock, and in the general service, whether stationary at the termini and at intermediate depots, or moving with the trains, reflects the highest credit upon him and his subordinates. These documents disclose the facts that reconstruction, renovation and increased capacity to meet the demands of travel and commerce, were required at all points and in all departments, and that large arrearages occurring between the 25th September, 1865, and the 1st of April, 1866, have been met since the latter day. Accidents and losses are now of very rare occurrence, and failures or delays of trains almost unknown.

During the first six months of the year the business of the road was very large, owing to the fact that many roads in the Eastern line of connection with the Northern cities were not in operation. They, having been put in working order during the spring, have again drawn to themselves much of travel and transportation formerly enjoyed and properly appertaining to them.

This circumstance and a general, though it is believed temporary falling off during the summer months of this business, have greatly curtailed the gross receipts. Should there come a revival in the activity and prosperity of the country, now slowly recovering from the exhaustion of long war, railroad business will revive with them. The location and connections of the Western

and Atlantic Railroad, as well remarked by the Superintendent, insure it a large participation, under any circumstances, in the general travel and transportation, be they great or small. Should the good time hoped for come, there is every indication that this road will be in a condition to do its part in the general service promptly and efficiently. It was estimated when you were last in session, that, to put the road in all respects in thorough working condition, it would be necessary for the State to contribute from half a million to seven hundred thousand dollars. The aid, so far extended, really exceeds very little the sum of three hundred thousand dollars. It will probably be necessary to add to this sum two hundred and fifty thousand dollars, being an aggregate of about five hundred and fifty thousand dollars, moderately exceeding the smallest estimate. To make this further advance, you have already provided the means.

There hangs, however, over the road a heavy debt to the United States Government, contracted in the purchase of supplies and railroad property by the provisional superintendent, for the payment of which a year hence, the faith of the State is pledged. The State of Georgia has a claim upon that government for the use and occupation of the road and its rolling stock and other items, which may or may not be so far liquidated and acknowledged, by that time, as to be set off against that indebtedness. Every effort will be made to effect a full and amicable settlement, which will ease the State of this burden; but, in any event, the faith of the State must be kept.

Looking to the contingency of this payment having to be made, if it be thrown upon the road no reliance can be placed upon it for revenue to meet the current ex-

penses of the government during the year upon which we have just entered. The precise amount of this debt has not been ascertained, in consequence of a failure to deliver some of the cars purchased. But, deducting from the whole amount of the invoice, payments made, the remainder will exceed somewhat four hundred thousand dollars.

If authority be given the Executive to make payments upon this debt from time to time, out of any money in the treasury not otherwise appropriated, (failing all efforts at settlement), it may be arranged in the course of the year, and the amount of interest meantime gradually reduced. My belief is that if the net profits from the road be even fair, the sum estimated by the Comptroller-General, to arise from that source, may be deducted and this debt discharged without creating a new loan.

I concur in the suggestions of the Superintendent, relative to the inadequacy of the salaries of the Treasurer and Auditor. If the ability and skill required to fill those offices properly, and the amount of labor and responsibility attending them be considered, it would seem very clear that the present salaries, in times like these, are not compensatory. I request the General Assembly to give just consideration to this subject.

During the existence of the war authority was given to the Superintendent to issue change bills for a stated amount. Of these there are now outstanding from seventy-five to eighty thousand dollars. That the holders of these change bills are entitled to payment by some rule, can scarcely be questioned. They were not issued with any view to aid in the war, but to relieve the road

and the people from one of the inconveniences of the war the difficulty of making change. For this purpose they were interchanged with Confederate treasury notes in settlements, and the question is, whether they should be redeemed at their nominal value or at the then value of Confederate notes, (on the level of which they stood), at the time of their issue, or on what other scale? It is a small matter, but the Superintendent, wishing to do what is right, has felt some embarrassment. There is little doubt that they have been to a considerable extent counterfeited, and, therefore, their payment in currency at some set value would be much safer than their absorption for fare or freight on the road. The matter is submitted for your determination.

#### THE LUNATIC ASYLUM.

One of the most grievous evils to which our race is subjected is the deprivation of human reason. The greatest alleviation of this terrible malady is found in the establishment of asylums for the stricken, where their wants are cared for, their evil propensities and their power for mischief controlled and their disease skilfully treated. Georgia has established one of these institutions, devised by advanced civilization. It is in successful operation; is, I believe, well managed, and is dispensing a noble charity to the indigent, and a more than compensatory blessing to the wealthy, whose misfortunes bring them to its doors. The report of the Superintendent and Resident Physician will be before you, advising you in detail of its condition and management, its wants and susceptibility of improvement. Your committee of scientific professional men and financiers



will look into these subjects with more capacity to enlighten you than I can bring to bear.

On one point, however, I deem it my duty to invite your serious deliberation. The Code requires that persons of color shall be admitted into the institution; but another section of the same Code enjoins it as an imperative duty on the Superintendent to keep patients of the white and African races separate, a provision founded in the wisest sanitary policy. I am informed by the Superintendent and Resident Physician, that with the present accommodations and plan of the building, and the number of white patients there and likely to be there, it is impossible to comply with both requirements of the Code. Something must be done for the enlargement of the building, or colored people must be excluded continuously from it. The latter alternative, allow me to say, should not be contemplated for a moment. The information brought to me, induces the belief that this fearful malady is on the increase among that people. Heretofore accustomed to be cared for, themselves uncaring, they have been free from very many anxieties and responsibilities, which often harrass and craze those in higher social position. Now, suddenly, after many years of irresponsible, unsolicitous life, they find themselves invested with the boon of freedom, coupled with the burthens of self-preservation and family provision, whilst their evil propensities, previously kept in check by wholesome home government, are left unbridled. Among them insanity most assuredly will increase. Heretofore when it has occurred, home provision has been made for it, but home, such as they once enjoyed, remains to them no longer. Will the State abandon them to all the miseries, sufferings and perils that wait upon insanity?

Humanity to them and safety to the public alike forbid it. Either in the State Asylum or in county poor houses, immediate and efficient provision should be made for the case. Your attention is earnestly requested to it.

#### THE ACADEMY FOR THE BLIND.

The school for the instruction of unfortunates deprived of the sense of sight, is in successful operation. It is one of those benevolent institutions which commends itself to the support of governments and of individuals. It is truly an interesting entertainment to hear those long shut out from light of day—some of whom never enjoyed its perception—reading fluently and accurately from the Word of Life, or from uninspired though instructive books. This art generally extended to such sufferers, and the number of books adapted to their use multiplied, how wide a field of enjoyment and improvement will be opened to those otherwise doomed to lives cheerless and almost useless. But it is not alone mental cultivation and literary enjoyment that are put within their reach in this Academy. There are simple branches of manufacture, for which they are entirely competent, if only instructed by those blessed with sight, and which may afford many the means of making a livelihood, who must otherwise depend upon charity. Such instruction is now being imparted in this institution, greatly redounding to the credit of the managers, and increasing its usefulness. The annual report of the Principal will be before you, and to your favorable consideration I commend the institution.

#### ACADEMY FOR THE DEAF AND DUMB.

In the exercise of the discretion given me by the

General Assembly, I have not caused this institution to be reopened. Had it been in operation, I should have felt it my duty so to continue it. But being already in a state of suspension, it would doubtless have required prompt pecuniary aid to enable it to resume its functions. Not until a very late period could such aid have been furnished, nor can it even now without increasing the fiscal embarrassment pressing upon the State. I trust, however, that at the commencement of another year, this may be done, and that it will be the pleasure of the General Assembly to provide for it. This is another of those great humanitarian enterprises which having been undertaken by the State, should not be suffered either to fail or to languish.

#### INDUSTRIAL PURSUITS.

The failure in agricultural pursuits during the year 1866, resulting in part from the indisposition to steady labor of the freedmen, but chiefly from unpropitious seasons, has doubtless exercised a depressing influence upon the energies of our people. It is to be hoped that they will speedily rally, and rise above despondency. It should be assumed that neither of these causes will prove continuous. It rarely happens, in the dealings of Providence, that two seasons, decidedly unfavorable to the cultivation of the soil, come consecutively, in the same locality. The next may reward the husbandman with abundant harvests.

Nor should the people of the South yield readily to discouragement in regard to the labor of the negro in his new status. All reflecting minds cannot fail to perceive, that the first effect of sudden manumission must be unfavorable to his well-doing and to his well-being. Unac-

customed to caring for himself, he is prone to believe that the freedom with which he has been invested involves freedom from labor, which was, in his eyes, the distinctive trait in the condition of slavery. It is not to be expected that he would, at once, reason correctly as to his surroundings and prospects, or adopt promptly the reasonings of the late proprietary race. Experience alone can teach him wisdom, and what her teaching will be is not a subject of speculation; we all know what that will be. In addition to all this, there is abundant evidence that he has indulged most extravagant and unfounded expectations of benefits to be conferred upon him by the Federal Government. He has expected from that source a free grant of land in his own right, and had been indisposed to cultivate the land of others. If driven to it by present necessity, he has regarded it as a temporary expedient, and went to work predisposed to shirk it. Time will dissipate these delusions. It would be both just and kind to wait for and to assist his awakening from them. Many who have hurried into courses of vice and crime, will probably prove irreclaimable. These must be committed to a just and impartial administration of the law, as is practiced with the vicious of our own race. But the great mass of these people, under good influences, may be made useful to themselves and to the country.

The planting interest in Georgia can never again be what it has been. Few, if any, will be able to prosecute it on as large a scale as some have done in the past. But agriculture must continue to be the chief industrial pursuit of the State. The return of prosperity will only be retarded by inconsiderate abandonment of it under a feeling of despondency. So far as the great staple for export is concerned, many will probably be surprised at

the pecuniary results, even in this disastrous year. The price of the article will be more than three fold that of the average of former years, whilst the product, in weight, will be fully one-third of that realized in those years. We cannot derive the same consolation, to the full extent, regarding the provision crop. That will fall short of the quantity required to subsist the people of the State; and whilst those who combined with it the cultivation of cotton, will be abundantly able to supply the deficiency, the poorer classes, who were never accustomed to produce more than a livelihood, will be greatly straitened. But such has been always their experience under like circumstances, and they must be helped, as heretofore, by those more favored. Surely it will be so. Especially should the creditor class favor the debtor thus unfortunately situated. He who, under such circumstances, would coerce payment, by legal compulsion, beyond his positive necessities, would be a monster, even in the family of Mammon.

Good policy and wise forecast undoubtedly require diversity of pursuits. Resources, other than agricultural, which are abundant in Georgia, should be developed. And there are those who have pecuniary ability, without adaptation to husbandry; and others who have brain, or bone and muscle, or all combined, who have neither land nor the means of purchasing it, to whose these other fields of enterprise are especially inviting. But agriculture is at last the leading and the most desirable pursuit, and those having experience in it, or adaptability to it, combined with the possession of land or the means to purchase it, should struggle with all possible energy and persistence to overcome all obstacles to success. In view of material prosperity, the most gloomy picture of

these gloomy times is productive land lying fallow. Let all holders of arable land cultivate the freedman, in order that he may cultivate the soil, to the great advantage of both parties. And if, at last, he prove untractable and unavailable, let the pauper population of other countries be sought after. But, come what may, let our broad acres be tilled. There lies, for us, the broadest, and deepest and most reliable source of subsistence and of wealth. Whatever the General Assembly can do to encourage and foster this branch of industry, I earnestly urge upon them. They are themselves chiefly of this class, and may be supposed to comprehend its wants. At the same time, doubtless, they will be disposed to do all they can legitimately to promote the introduction and development of other industrial pursuits.

#### THE PENITENTIARY.

The Penitentiary of the State has been this year passing through a trying ordeal. Subjected during the war to the torch of an invading army; at the commencement of the present political year it was in a state of great dilapidation—scarcely an available tenement on the premises, its workshops destroyed, the large cell-building roofless, and otherwise injured—everything wearing the aspect of ruin, with no funds, and few convicts to aid in the work of reconstruction. The appropriation made for repairs and for support of the institution was, in my estimation, very inadequate to its necessities. Yet, I think those who will charge themselves with personal inspection will find that, by economy, energy, and a wise use of limited means, very much has been accomplished in the way of renovation. The cell-building, essential to the safe-keeping of the inmates, has been put in excellent

condition; some workshops have been constructed; the tannery and shoe manufactory have been put in good working order; a large eating-room, with kitchen and smoke-house appurtenant, has been built *de novo*; the barracks for the guard have been made not only habitable, but comfortable; the steam engine has been repaired and made subsidiary to many useful purposes, and the *debris* of the fire has disappeared. There remain ruins not removed, because susceptible, at moderate expense, of useful renovation. As a Georgian, I regret to add another evidence of its prosperity as an institution, viz.: The large increase in the number of its inmates. I willingly bear testimony to the fidelity and ability with which the Principal Keeper and his assistants have discharged their duty. The report of the former will be before you. Your committees will scrutinize it, inspect the premises, and look into the general management of the institution. I deem it unnecessary to reiterate the views presented to you in my first message relative to its continuance as a State institution, and the extension to it of such fostering care as its necessities may require.

In conformity with a resolution of the General Assembly, Messrs. Howell Cobb, Mark A. Cooper, and John H. Fitten, were appointed commissioners "to examine and report upon the propriety of removing the present penitentiary and locating it elsewhere, or of establishing an additional one." Their report has not yet been received, but, I am informed, will be soon presented. When received, it will be transmitted; and until then I reserve any other views I may desire to present on this subject.

#### THE CHAIN-GANG.

By an act of the General Assembly, entitled "An Act

to alter and amend the Penal Code of Georgia," approved 20th March, 1866, a large number of offences, previously treated as felonies, were reduced below that grade, and were made punishable, in the discretion of the Judge, by sentence, "to work in a chain-gang." And by another act, entitled "An Act to regulate the manner of convicts laboring upon public works, and to define the powers and duties of the Inferior Court and Governor of the State, touching the same, and for other purposes therein mentioned," (approved on the same day), it was left discretionary with the Inferior Courts of the several counties to employ such convicts on the public works of the county, or to report them to the Governor, to be otherwise employed. When so reported, it was made the duty of the Governor to send a guard for them, and to employ them diligently on the Western and Atlantic Railroad, or upon such other public works or improvements as he might judge to the best interest of the State, and as shall best subserve the ends of justice. Sentences of this character have been very numerous, and in nearly all cases, the Inferior Courts, declining to employ them in the counties wherein they were convicted and sentenced, have reported them to the Executive.

The performance of this duty has been attended with great difficulty, embarrassment and expense. I made early examination into the practicability of employing these convicts safely and advantageously on the Western and Atlantic Railroad, and became thoroughly satisfied, that, although such labor might be very profitably used in constructing a railroad where there were excavations and embankments to be made, it was entirely unadapted to any work to be done on a railroad finished and in operation. In ordinary employment, as depot or train



hands, or track-men, or in any other work of which they are capable, they require more freedom of action and more dispersion than would be compatible with secure confinement, without employing almost as many guards as laborers. That, therefore, was not available. There are no established public works, except within the walls of the penitentiary, where mechanical arts are chiefly prosecuted. For these, the term of punishment usually prescribed for chain-gang convicts is too short, and in them convicts sentenced for felonies can be more profitably employed for the State and for themselves. The expense of transporting them to the seat of government is very heavy. It sometimes happens, and may often occur, that a guard is sent from the seat of government to a county most remote from it, for a single chain-gang convict, and within a month has to be sent to the same or an adjoining county for another, and, perhaps, neither may have been sentenced for more than sixty days. When brought here, there are no pre-arranged facilities for employing, keeping or guarding them. To overcome these difficulties, I have connected this branch of the public service more or less closely with the operations of the penitentiary. This made the transportation cheaper, because often the same guard would bring convicts of felonies and convicts of misdemeanors. Within the walls of the penitentiary, I have also found it cheaper and safer to confine them at night; and whenever their labor could be employed profitably to the penitentiary, I have caused it to be so used, and have charged that institution with it. At the same time, I have been compelled to impose upon it the lodging, guarding and subsistence of them, and of course to allow reasonable compensation for them. They have been, as far as practicable, employed in outdoor work—in doing, carrying and lifting,

necessary in the repairs on the Executive Mansion and State House, in clearing away the ruins of the demolished arsenal, in improving the grounds of the public square, in improving the streets of Milledgeville at very moderate hire, in making brick in the penitentiary brick yard, in quarrying granite, which may be useful to the State, or salable. But as the number increases—and it does so rapidly—the difficulty of employing them and the incidental expenses disproportionately. If the policy of throwing them upon the hands of the Executive be continued, it is indispensably necessary that some regular continuing works, adapted to their capacity, be inaugurated, and that a system be adopted for this whole service. I recommend, however, that their employment upon the public roads of the several counties, and in making brick for the erection of court houses and jails, and in building bridges, be made compulsory upon the Inferior Courts of the several counties. There is open to those courts a wide field for their employment, in every county, which, with good management, could be made highly advantageous to it. Nothing more is wanting than a spirit of enterprise and improvement. The roads and bridges of the State, with rare exceptions, are proverbially bad. In many counties, court houses are wanted; and, in a vast majority, safe and commodious jails. Here is an opportunity to command free labor for such useful purposes. Many shrink from it, because, in the beginning, the laborers are too few to be profitably employed. But the indications are, that this would be only temporary. An efficient gang once made up would undoubtedly be maintained as regards numbers. Where it became necessary, provision might be made for consolidating the gangs of two or three adjoining counties, and working them alternately in the one and the other.

After much reflection and a little experience, I am satisfied of three things. 1st. That owing to the short terms of punishment, no general system of State employment of these convicts can be devised which will at all compensate for the expense of transporting, subsisting and guarding them. 2nd. That the employment of them in the counties where convicted can be made to relieve the planting interest generally of an onerous public service, (the working of the roads), and in every way largely beneficial to the counties. 3rd. That nothing short of legal compulsion will induce the courts of the counties to embark in the enterprise.

This subject, in my judgment, demands the serious consideration of the General Assembly.

#### MAIMED SOLDIERS.

Considerable delay has, I regret to say, attended the completion of arrangements for the supply of artificial limbs to maimed soldiers. No general inconvenience, however, has resulted from it, in consequence of tardiness in returns made to the Comptroller-General; less than one hundred applications having been made by the first of September, of which one-fourth were informal, and only about one-half the counties having been yet heard from.

I appointed as a board of surgeons to examine specimens of various patents which were put in competition for the work ordered by the General Assembly, Drs. L. A. Dugas, H. H. Steiner and L. D. Ford, of Augusta, having personal knowledge of their professional attainments and skill, and believing that the examinations and consultations could be made with more deliberation and less delay by selecting those resident in the same place.

A call was also made through the gazettes, as directed in the act, for proposals from manufacturers exhibiting specimens, which elicited quite a number. Considering together these proposals, the report of the surgeons upon the relative merits of the limbs submitted to their examination, and the directions given in the first section of the act as a guide to the Executive, it was very clearly my duty to accept the offer of Mr. Douglass Bly. To him, therefore, the contract was awarded, and it has been duly executed, he naming Macon as the central point where the limbs were to be fitted. The price of these limbs will be seventy dollars for each leg and for each arm where the amputation was above the elbow, and forty dollars where it was made below that joint.

The report of the Comptroller-General will inform you of the whole number of applications that have been made and of the probable total. The sum required to supply all applicants who bring themselves within the provisions of the act, will probably somewhat exceed the appropriation made, but it will doubtless be your pleasure to increase it so as to leave none destitute. Adequate information will probably be at your command in time to act.

From information collected, I am satisfied that the benefits to be derived by the wearer of this admirable invention, will depend mainly upon himself. Early experience in the use of the most perfect and best adapted artificial limb will be disappointing, but proper caution and perseverance will so familiarize the wearer with its action, as to make it speedily a wonderfully useful substitute for the lost member. It is to be hoped that the brave men who have suffered mutilation will, by the

exercise of patience, care and persistence, derive all the benefit you have designed for them.

#### CORN APPROPRIATION.

After careful enquiry I became satisfied that corn could be most advantageously supplied to the destitute under the appropriation of the last session by sending an agent to the Northwest, and that St. Louis was the best point for his operations. Colonel Maddox was accordingly appointed and dispatched so soon as the necessary funds could be obtained. Through the liberality of companies engaged in transportation by steamboat and railroad between St. Louis and Chattanooga, half freights only were charged for bringing this corn to the Western terminus of the State road—which enabled me to expend in the purchase at least \$35,000 more than could otherwise have been done. The different railroad companies of this State, with their accustomed public spirit in the furtherance of good works, have done their part in the transportation with promptness and fidelity, free of charge. To avoid delay I appointed Colonel Peterson Thweatt, agent, to receive the corn at Chattanooga and to distribute it to the counties, thus carrying on the purchase and distribution simultaneously.

The Superintendent and other officers and agents of the Western and Atlantic Railroad have also materially aided the operation. The purchasing and distributing agents have displayed a high degree of business capacity, promptness, and fidelity in the discharge of their duties. The result is, the purchase and distribution in round numbers of 185,000 bushels of corn, being four and a half bushels to each beneficiary reported, at a cost (all expenses included) a little less than one dollar per bushel.

There are some items not yet reported, which prevents a more precise statement, but when all expenses shall have been paid, there will remain in the treasury, of this appropriation, about \$15,000. Reports of the agents accompany this communication.\*

I cannot close this subject (relief to the destitute and suffering people of Georgia), without making this public acknowledgement of certain noble benefactions from the charitable of other States, (partly in provisions and partly in money), which have been and are being distributed through my instrumentality. In these munificent charities the noble women of our country have, as usual, been the chief actors. Ladies' Southern Relief Associations of Baltimore, of St. Joseph, Mo., and of Woodford, Ky.; the Florissant Southern Relief Association of St. Louis, Mo., and citizens of St. Louis, Mo., acting through a committee, are the doers of these good works. We can give them only our poor thanks. May He who is love, and who loveth a cheerful giver, bestow upon them a better reward.

#### PUBLIC BUILDINGS AND GROUNDS.

The State House has been re-roofed, and, I trust, made secure against leakage; and the legislative halls have been renovated. Water has been introduced into the building, and arrangements are in progress to light the halls with gas, both of which improvements will tend to diminish the risk of fire to the building. The cupola is represented to be in an unsafe condition, requiring some repairs which could not be made with the existing appropriation. For this reason I have not had the clock

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\*Not found.

repaired which stands within it, and could not be expected to run well until those repairs shall have been made. The Executive Mansion has been put in secure and comfortable order; but, owing to the high prices of furniture, material, labor and freights, and the discovery of greater decay and dilapidation than was anticipated, the appropriation proved insufficient for the object, and the excess has been paid out of the contingent fund, of which, notwithstanding other unexpected drafts upon it, there remains a considerable unexpended balance. I refer you, for detailed report and suggestions, to the accompanying report of the engineer in charge.\*

#### EXECUTIVE DEPARTMENT.

My experience in this department induces the belief that two Secretaries will be adequate to its business. I dispensed with the services of the additional Secretary employed during your last session very soon after your adjournment. If, however, the duties be performed by two, as I think they can be by the present efficient incumbents, their labors will be arduous; and this, together with the very great cost of living at this time, entitles them to a moderate increase of salary. There will be economy in employing two capable Secretaries, with good salaries, rather than three less competent, at lower salaries. Their duties are also exacting, and do not admit of uniting other avocations with them.

#### CONCLUSION.

Whilst our political relations are so unsettled, and so few gleams of hope come to us from the future, there are a few things especially incumbent upon us.

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\*Not found.

1st. It becomes us to cultivate among ourselves unity of feeling, of opinion, and of action; unity among the people, unity among the departments of government.

2nd. Our interest lies in eschewing political excitement, studiously avoiding all conflict with authorities unchosen by us, but placed over us, and employing our active energies in rebuilding our own waste places and developing our neglected resources. Whilst others rage and wrangle over ephemeral issues, let us be busy with the real, abiding concerns of life. Thus shall we emerge from this period of ostracism, wiser, more thriving, and more respected than ever.

3rd. It behooves us, above all, to keep ourselves in proper relation with the Supreme Ruler of the Universe. To this end, it is right and proper that, on a day to be appointed, our whole people should simultaneously prostrate themselves before the Throne of Grace, rendering thanks for blessings enjoyed, imploring forgiveness for errors committed, and seeking light to guide us on our rugged, darkened way. I have refrained from inviting such a proceeding, believing that, in our extremity, it is more fitting that the movement be made by the immediate representatives of the people. I will cheerfully do your bidding, and heartily co-operate in proclaiming and observing a solemn Christian holocaust for suffering Georgia.

CHARLES J. JENKINS.



FRIDAY, NOVEMBER 2nd, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA, .

November 2nd, 1866.

TO THE HOUSE OF REPRESENTATIVES:

I return to the House of Representatives, in which it originated, a bill to be entitled "An Act to authorize the payment of certain claims against the Western and Atlantic Railroad," which I cannot approve, and which came to me too late to be returned before the adjournment. John W. Glenn was not the appointee or representative of the State of Georgia, nor subject to her control. He was the military superintendent of that road whilst it was in the possession and under the control of the United States Government.

All of the earnings of that road during his superintendency went to that government, and have never yet been accounted for to the State of Georgia. If ever accounted for, it will doubtless be after deducting the expenses.

The State of Georgia did not make, and is not responsible for, contracts with those employees during that time, which is well known to these contractors, and she is in no condition to pay debts other than her own.

Services rendered in taking care of railroad property, not under the control of John W. Glenn, and not in the service of the United States, require no legislation, and will be provided for when presented accompanied by sufficient evidence.

CHARLES J. JENKINS.

TUESDAY, NOVEMBER 13th, 1866.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

November 13, 1866.

TO THE GENERAL ASSEMBLY—

I came into office under the impression, that the vexed question of the boundary between Florida and Georgia had been amicably and finally settled. I was therefore greatly surprised to find, during the late spring, that the inhabitants of a narrow strip of territory, which I suppose may be called "*the debatable ground*," were being called upon by the receivers of tax returns for both States to make return of their taxable property. This produced no little anxiety and excitement among those good citizens, who would be highly appreciated by either State. There was in this a conflict of authority, which, if not checked, might in time have imperilled the peace of the border. Under this impression, I proposed to Governor Walker, of Florida, that all action in reference to taxation be suspended until I could carefully investigate the subject, with the history of which I was not very familiar. Governor Walker, in the spirit of amity and courtesy, which it is to be hoped will always obtain between the States, promptly acceded to the proposition. My investigations have satisfied me, that this is no longer to be regarded as an open question. It is unnecessary to review the whole history of the controversy. Your attention is invited to a point in it, when a renewed attempt at amicable adjustment between the parties, after repeated failures, was agreed upon, and to what ensued.

You are aware, that, having been unable to agree, yet unwilling to protract the controversy, the parties resorted to a suit in the Supreme Court of the United States, in the progress of which that government was made a party.

At this stage of the case, the Governor of Florida proposed that the terminal points of the then existing line be agreed upon; that a line be run from one to the other by two commissioners, one to be appointed by each State, and that the line so run be established as the boundary. By resolution of the 27th December, 1857, the General Assembly accepted the proposition in regard to the terminal points, and in a commendable spirit declared that Georgia would adopt either the then existing line between those points, or any other that might be surveyed and marked, by virtue of law and the joint action of the two States. Authority was given by the same act, to the Governor, to appoint a competent surveyor to run out and mark distinctly such a line between the designated points, in conjunction with a surveyor to be appointed by the State of Florida.

In pursuance of this agreement, Gustavus J. Orr was appointed by the Governor of Georgia, and W. Whitner, by the Governor of Florida, to run and mark said line. Whilst these surveyors were engaged in the work assigned them, the General Assembly of Georgia, by an act assented to 16th December, 1859, enacted, "That if the State of Florida shall duly recognize and by law declare the line now being run by the joint surveyors of Florida and Georgia, that is to say, the first line run by them from the Western to the Eastern designated terminus, as the permanent boundary line between the two States, that the said line is hereby recognized, adopted

and declared on the part of Georgia as the true and permanent line of boundary; *provided, nevertheless*, on the Eastern terminus, it does not depart exceeding one-fourth of a mile from Ellicott's Mound."

The line was run out and marked, and its Eastern terminus did not "depart one-fourth of a mile from Ellicott's Mound." Indeed, the variance being reported as only twenty-four feet, is inappreciable, and for all practical purposes the line may be taken to have terminated *at* that mound.

It would seem, then, that nothing more was wanting to bind Georgia to this line than Florida's recognition of it by legislative enactment. Whilst the survey was in progress, the legislature of Florida enacted a law, approved 22nd December, 1859, of the same tenor and effect with the above recited act of the State of Georgia.

After the completion of the line, the Legislature of Florida passed resolutions, approved February 8th, 1861, referring to the above act, declaring the line run by Surveyors Orr and Whitner as the permanent boundary between the States, and authorizing the Governor of that State to issue a proclamation to that effect, *provided*, that, by authority of the Legislature of Georgia, the same thing be done by the Governor here. I transmit herewith a copy of those resolutions, now of file in this department, authenticated by the great seal of the State. By the 17th and 21st sections of the Code, which was made the law of Georgia first by an adopting act, approved December 19th, 1860, and secondly, by the 5th clause, 1st section, 5th article of the Constitution, ordained and established by the Convention of 1865, this identical line is declared to be the boundary between Florida and Georgia. Surely,

this should have ended the controversy. The State of Florida so holds. I respectfully submit that so the State of Georgia must hold, unless she determine to ignore law enacted by her Legislature, and solemnly recognized as law by her people in Convention nearly five years after. I regret to add, however, that the General Assembly, by resolutions assented to December 11th, 1861, reopened the controversy, by providing for the appointment of commissioners on the part of Georgia, and requesting the appointment of commissioners on the part of Florida to hold further conference on this vexed question. The Legislature of Florida, with commendable patience and friendly consideration, acceded to the request. Commissioners were appointed on both sides, and entered into conference in the month of December, 1862. Messrs. Wright and Erskine, on the part of Georgia, proposed that a line known as the Watson Line be adopted as the boundary. Messrs. Banks and Papz, on the part of Florida, declined the proposition, and insisted that the previous action of the Legislature of the two States had established the Orr and Whitner Line; and so this effort ended, without changing the status of the question.

I have already adverted to the difficulty which occurred in regard to tax returns. Accompanying this communication will be found a copy of a letter from the Tax Collector of one of our border counties, to the Comptroller-General, stating his embarrassments, and asking instructions; also, a copy of a letter from a citizen of Georgia to myself, stating that the duty of administering an estate lying in the disputed belt has devolved upon him, and asking directions in which State he shall seek the necessary authority for so doing. These appeals present in

strong light the evil of keeping the question open. Other and perhaps more serious difficulties will occur in the progress of time, if a finality be not given to it.

Questions of jurisdiction, civil and criminal, will arise between the courts of the border counties of both States. The rights of property, the privileges, duties and liabilities of citizenship, the punishment of crime, and the peace of the border counties are all involved. To me it seems that these considerations far outweigh in importance the right of eminent domain over this narrow strip of land, and even the relation of citizenship between the State of Georgia and the inhabitants of that belt. Doubtless, there dwell upon it good and true men, whom we should all grieve to lose, but of all men in the State, they are most interested in the settlement of the controversy. But whatever interests or ties are involved in it, I respectfully insist, that by the action of the two States, Georgia is committed to the Orr and Whitner Line, and good faith requires that she make full and final acknowledgement of it. I recommend that the General Assembly authorize the Executive to issue a proclamation declaring that line the boundary, and requiring her citizens and officers to govern themselves accordingly.

CHARLES J. JENKINS.

WEDNESDAY, DECEMBER 12th, 1866.

The following message was transmitted to the Senate,  
to-wit:

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

December 12th, 1866.

TO THE SENATE:

I return, unapproved, to your body, in which it originated, "An Act for the relief of the people of Georgia, and to prevent the levy and sale of property under certain circumstances.

On the 6th of March last, I returned to you an Act bearing the same title, with the additional words "and within a limited time," with my reasons for disapproving it. The objections stated to that Act resting mainly on its violation of the Constitution of the United States and of the State of Georgia, as I understand them, apply with equal force to this, and it is quite unnecessary to repeat them. Subsequent reflection and lights coming from other sources, have tended to confirm the opinions then expressed. I do not expect to make converts, but without the slightest disrespect to a co-ordinate branch of the Government, it shall be my care to keep the Department confined to me, right upon the record, according to my own firm convictions.

CHARLES J. JENKINS.

TUESDAY, JANUARY 1st, 1867.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 1st, 1867.

*Whereas*, by conventional arrangement between the States of Florida and Georgia, a line has been run and marked by W. Whitner, Commissioner of the former, and G. J. Orr, Commissioner of the latter, for the purpose of clearly defining the boundary between said States West of the St. Mary's River.

*And whereas*, the said line has, by enactment of the Legislature of each, been adopted and confirmed as the boundary between them:

Now, therefore, I, Charles J. Jenkins, Governor of the State of Georgia, in pursuance of a request of the General Assembly by a resolution, approved 14th December, 1866, do issue this my proclamation making known to all whom it may concern, that the line run and marked by Commissioners Whitney and Orr, as aforesaid, is the established, permanent boundary between the States of Florida and Georgia from its initial point on the Western boundary of the latter at or near the confluence of the Flint and Chattahoochee Rivers to its terminal point at or near Ellicott's Mound on the St. Mary's River, from which point said boundary proceeds down the middle of said river to the Atlantic Ocean.



All citizens and officers, judicial, ministerial and military, will govern themselves accordingly.

Given under my hand and the Seal of the Executive Department, this the 1st day of January, A. D., 1867.

CHARLES J. JENKINS,  
Governor.

By the Governor:

H. J. G. WILLIAMS,  
Secty. Ex. Dept.

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FRIDAY, JANUARY 4th, 1867.

CIRCULAR.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 4th, 1867.

TO THE JUSTICES OF THE INFERIOR COURTS OF THE  
SEVERAL COUNTIES OF THE STATE OF GEORGIA:

The following is a copy of an Act of the General Assembly, approved 11th December, 1866, entitled "An Act to amend an Act to regulate the manner of convicts laboring on the public works, and to define the powers and duties of the Inferior Court and Governor of the

State, touching the same, and for other purposes therein mentioned, approved 20th March, 1866."

"SEC. 1. The General Assembly of the State of Georgia do enact, That the justices of the inferior courts of the several counties shall have power, and are required to provide suitable places for the safe keeping of all convicts, and to make provisions for their support by the county, and to employ such overseers or guards, or both, as may be necessary for their safe keeping and for their constant and diligent employment upon the public works, and shall also have power to hire out or bind out such convicts to contractors on the public works, or to individuals upon such bonds and restrictions as shall subserve the ends of justice. And for the purposes aforesaid any two or more counties by said justices, may combine, keep and work together such convicts on such terms and upon such public works anywhere in the State as they may agree upon; *and the Governor may, if he deems it advisable, refuse to receive such convicts from said justices as required of him by the second Section of said Act.*"

Therefore, in pursuance of the discretion given me by said Act, and that there may be no misunderstanding on the subject, I hereby notify you that I do, and shall, refuse to receive all or any convicts sentenced to labor on public works or in chain-gang. No such convicts will hereafter be sent for or received by me.

CHARLES J. JENKINS,

Governor.

WEDNESDAY, JANUARY 9th, 1867.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 9, 1867.

In conformity with an Act of the General Assembly of the State of Georgia, I, Charles J. Jenkins, do hereby appoint N. J. Hammond, Esq., of the city of Atlanta, arbitrator on the part of said State to arbitrate between the State and Messrs. Seago, Palmer and Co., of said city, touching a claim asserted by them; with power and authority to do all things whatsoever contemplated by the provisions of said Act to be done and performed by said arbitrator, who is required, so far as instructed, to govern himself by said Act.

CHARLES J. JENKINS,

Governor of Georgia.

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MONDAY, FEBRUARY 4th, 1867.

NOTICE.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

February 4, 1867.

Drs. H. F. Campbell, R. A. T. Ridley and Thos. S. Powell, a committee appointed by resolution of the Gen-

eral Assembly to examine and report upon the merits of the Eureka Artificial Leg, invented by Dr. H. L. Byrd, of Georgia, and the artificial arm invented by Diterick W. Kolbe, having made such examination, and having reported favorably of said artificial limbs, and the said Byrd and Kolbe, jointly concerned in manufacturing the aforesaid artificial leg, and the said Diterick Kolbe, alone in the manufacture of said artificial arm, having entered into contracts with the executive for carrying into effect, in the city of Macon, the intentions of the General Assembly: notice is hereby given that all officers and soldiers in the late war who suffered the loss of an arm or a leg whilst rendering military service to the Confederate States, or to the State of Georgia, as members of a Georgia military organization, and who were excluded from the benefits of the "Act for the relief of maimed indigent soldiers and officers of this State, who belonged to military organizations of this State, in the State or Confederate armies," approved 12th March, 1866, may apply to them for limbs so soon as notice is given that they are prepared to commence their work.

Applicants must observe the second, fourth, fifth and sixth Sections of the Act of March 12th, 1866. Officers and soldiers entitled under the first appropriation, but excluded because it was exhausted, may apply under this notice.

CHARLES J. JENKINS,

Governor.

TUESDAY, MAY 28th, 1867.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

May 28, 1867.

Ordered, That Messrs. Clayton and Adair be, and they are hereby, appointed agents of the State of Georgia for the purchase of corn to supply the destitute of Georgia, under the thirty-fifth Section of the General Appropriation Act, approved 12th December, 1866.

CHARLES J. JENKINS,

Governor.

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MONDAY, SEPTEMBER 30th, 1867.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

September 30, 1867.

Ordered, That the following additional regulations relative to the education of maimed indigent soldiers be observed by the universities and colleges engaged in their instruction, and that a copy be forwarded to the chief executive officer of each.

I. Such students may be transferred from either of those institutions to any other of the five mentioned in the Act; *provided*, That such transfer can only be made

at the end of a quarter of the calendar year. No pupil will be permitted to spend a portion of a quarter at one institution and the remainder at another.

II. Whenever any such pupil shall leave the institution at which he may have matriculated, the chief executive officer shall endorse on his bond the length of time he may have been taught there, and shall transmit it to the like officer of the institution to which he may go.

III. These transfers will not interfere with any conventional arrangements or recognized comity existing among those institutions. Only the students discretion in the matter of transfer is restricted.

IV. All such transfers must be embraced in quarterly reports to this office.

V. The last quarterly report for the year, from each university or college, must set forth the name of each pupil instructed at the charge of the State—the time of his entrance and departure, (if he shall have left)—the sum actually expended for him on account of board—of tuition—of clothing and of books, and their aggregate to the end of the third quarter—and also what is claimed for him on account of each of those items and their aggregate for the fourth quarter. College terms must not be confounded with quarters of the calendar year. This office settles by the latter. No final settlements for the year will be made with any of those institutions until this exhibit is filed in this office.

VI. For the portions of the year which are given to vacations no board must be charged. The items for which the State is chargeable (within the limits of the three hundred dollars allowed,) are tuition, to which the

institution is entitled according to its own regulations, and the sums actually expended for board, clothing and books. Any balance in favor of or against the State at the end of the third quarter must be stated.

VII. Returns for the fourth quarter, already made, which do not conform to these regulations, are not accepted. They must be made in conformity.

CHARLES J. JENKINS,  
Governor.

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SATURDAY, JANUARY 11th, 1868.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 11, 1868.

Whereas, by reason of the interference of the Congress of the United States with the administration of the government of the State of Georgia, the meeting of the General Assembly at the time appointed for the year 1867, has been prevented, whereby the usual appropriations for the support, during the year 1868, of the Lunatic Asylum, the Academy for the Blind, the Academy for the Deaf and Dumb and the Penitentiary, have not been made; and whereas, by the Constitution of said State it is ordained that "no money shall be drawn from the treasury of this State except by appropriation made by law,"

Now, therefore, for the purpose of avoiding the serious consequences which must result from the closing of those institutions, it is

Ordered, That the Superintendent of the Western & Atlantic Railroad advance to each of said institutions, in each quarter of the year last aforesaid, commencing on the first inst. the following sums, viz.: To the Treasurer of the Lunatic Asylum, upon the order of the trustees thereof, the sum of fifteen thousand dollars for the support of the pauper patients. To the Treasurer of the Academy for the Blind, upon the order of the trustees, for the maintenance of pupils, salaries of officers and incidental expenses, the sum of two thousand, seven hundred and fifty dollars. To the Treasurer of the Academy for the Deaf and Dumb, upon the order of the trustees, the sum of two thousand dollars, and to the bookkeeper of the penitentiary, upon the order of the principal keeper, for the support of the penitentiary, the sum of five thousand dollars.

And it is further ordered, that said Superintendent of the Western and Atlantic Railroad, upon each payment to the trustees of each institution, as herein before provided, take from said trustees of the three first named, and from the principal keeper of the penitentiary, acknowledgements of such advances as a loan to be refunded when an appropriation shall be made for that purpose by the Legislature, unless by Act of the Legislature, said obligations be cancelled.

CHARLES J. JENKINS,

Governor.



HEADQUARTERS THIRD MILITARY DISTRICT,  
DEPARTMENT GEORGIA, FLORIDA AND ALABAMA,

ATLANTA, GA., January 13, 1868.

GENERAL ORDERS No. 8.

I. Charles J. Jenkins, Provisional Governor and John Jones, Provisional Treasurer, of the State of Georgia, having declined to respect the instructions of, and failed to co-operate with the Major General Commanding the Third Military District, are hereby removed from office.

II. By virtue of the authority granted by the Supplementary Reconstruction Act of Congress, passed July 19th, 1867, the following named officers are detailed for duty in the District of Georgia:

Brevet Brigadier-General Thomas H. Ruger, Colonel 33d Infantry, to be Governor of the State of Georgia.

Brevet Captain Charles F. Rockwell, Ordnance Corps, U. S. Army, to be Treasurer of the State of Georgia.

III. The above named officers will proceed without delay to Milledgeville, Georgia, and enter upon the discharge of the duties devolving upon them, subject to instructions from these headquarters.

By order of Major General George S. Meade, U. S. A.

Commanding Third Military District.

In accordance with the above order, Brevet Brigadier-General Thomas H. Ruger entered upon the duties of his office as Provisional Governor of Georgia on this, the 15th day of January, 1868.

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